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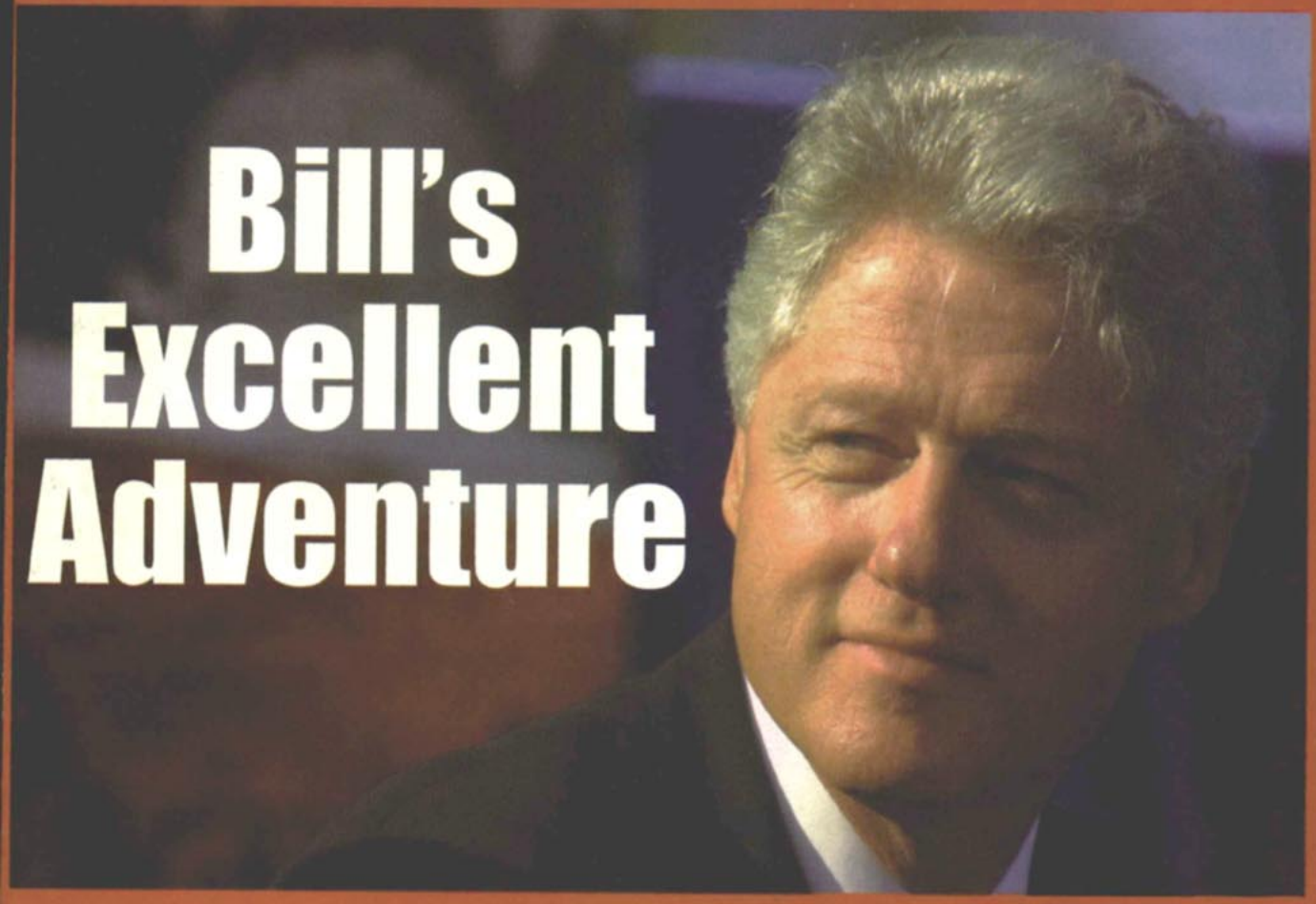

Bill's Excellent Adventure

The Clinton Scorecard: Eight years later, we give out the grades

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Letters

We Want Wilkie!

I was nostalgically amused to read your item about the Republican National Convention in Philadelphia in the summer of 1940. I, too, was an attendee although, at age eight, I didn't appreciate it nearly as much as you did.

I only remember three things vividly: First, we were seated somewhere up in a loft, and the atmosphere was stifling. Needless to remind you—there was no air conditioning. Second, we were from Cincinnati and acquainted with the Taft family; thus, we were supplied with paper fans consisting of four panels which unfolded to reveal a letter on each—T-A-F-T. Finally, we couldn't hear anything except "WE WANT WILKIE, WE WANT WILKIE!" from all around the hall.

We were outnumbered and outshouted. But the experience remains chiseled in my now-faltering memory. Thanks for rekindling it.

TJADER MEIGHEN
Washington, DC

Flight School

While the policy issues raised are important, much of Stephen Pomper's "Flying Too High" (October 2000) is far from the definitive (or even accurate) examination of these issues.

General Aviation is far more than "regulated in theory." The Federal Air Regulations rule book is thick, well-defined, enforced, and applicable to all air traffic. Flying ability is checked once every two years or more frequently, so ignore "no certificate renewal since Eisenhower." Flight plans are required of everyone to fly in weather or on instruments, not just "up high with the big jets."

Pomper picked up without checking (or even statistically understanding) Matthew Wald's 1999 mistake in *The New York Times* about 1 in 300 planes being involved in a fatal accident each year. The successful (and accepted) collision-avoidance measures around airline hub airports date to 1970, not the Cerritos collision of 1986, itself the result (in part) of these overly complex airspace structures.

The economic benefit of General Aviation is more than just the quoted $6 billion in global new airplane sales. An understanding of the subject would have revealed GA's $42 billion-a-year U.S. economic impact of 11 years ago, documented by the authoritative airline-funded "Partnership for Improved Air Travel" study by Wilbur Smith Associates, the industry standard.

General Aviation is not the driver of today's increased congestion. With only a handful of exceptions, we are 5-10 percent users of the largest control tower airports.

We are a minority (30 percent) user of expensive, radar-based control, and frequently not for our own needs but only because FAA has expanded its radar control over more territory.

That "AOPA is ... fighting for the right to exercise lethally poor judgment" is absurd, and insults the 50-year effort of our own AOPA Air Safety Foundation, now spending $5 million a year precisely (and very successfully) to improve pilot decision-making and all aspects of GA safety. These efforts are over and above the role of the FAA and the insurance industry.

DREW STEKETEE
Aircraft Owners and Pilots Association
Frederick, Md.

Stephen Pomper replies:
My apologies to AOPA for repeating Matthew Wald's error (the amended figure cited by the Times *is 1 in 600). As for Steketee's other points: (1) Regardless of what may be required by law, small-plane flying is largely unsupervised, which is the point that the piece is trying (albeit colorfully) to make. (2) My view of the importance of the Cerritos collision is hardly a solitary one; to quote from* The Washington Post *(February 10, 1997): "Experts say the sharp decrease in near collisions involving all aircraft in recent years is mostly due to changes in procedures and equipment that were required as a result of a midair collision on August 31, 1986 ... over Cerritos, California." (3) While the statistics that Steketee introduces are interesting, the article simply does not state that GA's economic benefits are limited to the $6 billion in factory billings that it generates each year or that it is the driver of today's increased congestion.*

Scouting Out Peters

Charlie Peters is one of the greatest journalists alive, but he's dead wrong about the question of gay Boy Scout leaders. Since some gay men are "powerfully attracted" to boys, Peters writes, he sympathizes with the Scouts' efforts to block homosexuals from becoming scoutmasters. Would Peters also sympathize with schools that refused to hire heterosexual males as high school teachers, on the grounds that these men are "powerfully attracted" to nubile teenage girls? Peters clearly ascribes more "power" to gay attraction than to the straight version, believing that homosexuals yield more easily to temptation than heterosexuals do. And that's what I call prejudice.

JONATHAN ZIMMERMAN
Director, History of Education Program
New York University
New York, NY

I write about your conclusion that gay scoutmasters should be permitted to serve ("Tilting at Windmills," October 2000). Now, I was in the military in Korea and am a lawyer, so I look at both in a different perspective. In California there are myriad lawsuits against the Roman Catholic church by people who were abused by priests. We now have a law that says there is no statute of limitations for sexual abuse. The ability to sue the Scouts for sexual abuse by scoutmasters years ago is very important

FRANK SAMPLES
Bakersfield, Calif.

Re: "Tilting at Windmills," October 2000. Do you really think that a man who likes to fool with little boys is going to advertise it? And since so many people think all gay men are pedophiles, do you think that a gay pedophile would even admit to being gay?

If I was running the Boy Scouts, I wouldn't worry about the openly gay man who's suing them to stop treating him like a child molester—I'd worry about the low-key, apparently straight guy who never married and keeps to

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himself, but is just so terribly fond of the company of children.

MARLA BRUNKER
New York, NY

Charles Peters replies:
All points worth considering—I'll reply in my next column.

Chemical Reaction

In your October 2000 issue, Nicholas Thompson presented an article entitled "Downsizing." As a chemist, I was disturbed by several erroneous statements he made about chemistry.

In his first paragraph, he wrote that "we yank iron up out of the earth, drop it in blast furnaces to make steel." No one mines iron anywhere. We mine iron ores, usually oxides of iron (not steel). Iron rust is a typical oxide of iron, and its properties are obviously very different from those of metal. The conversion of iron ore to metallic iron is a chemical process, where the carbon in coke or charcoal removes the oxygen from iron oxides to yield the metal.

Later, on page 25, Thompson wrote, "Arrange carbon atoms one way and you'll get a diamond .... Rearrange them and you'll get rubber bands." That's not true. Rubber is a polymer of isoprene, a hydrocarbon molecule composed of five carbon atoms and eight hydrogen atoms.

F.H. WESTHEIMER
Harvard University
Cambridge, Mass.

Rich Dad, Poor Dad

I am writing to thank you for your wonderful piece ("Why Homer's My Hero") in October's *Washington Monthly*. I used to have no qualms in justifying, to myself and others, my decision not to pursue the almighty dollar in the greatest quantities possible. But lately my faith has been shaken by, of course, the needs of my family.

I graduated from Harvard in 1994 but, while my classmates and close friends went to law school or to work for consultancies or investment banks, I paid back the Navy by serving as an officer for five years. After leaving the military, I returned to graduate school to work on my Ph.D. in political science. My wife is an intern in pediatrics at the local university hospital, which means long hours for about the same salary I got just out of college in the Navy. We have a daughter who turns two in January, and another on the way.

Just this morning I was reading *Business Week*'s guide to the best business schools, a special section of the magazine that includes before-and-after median salaries of graduates. Not only were all of the "after" salaries of these people (most of whom are now younger than my cohort) four to six times greater than what we live on, the "before" salaries were also all greater. In about four years, the salaries of my wife and me may approach the low end of the "after" range, but we'll stay there for 10-15 years, while these business school graduates are well into seven figures.

Is my story an American tragedy? Of course not. But every time I wince at a simple utility bill, or wonder how I am going to pay taxes, I think: What about college expenses? What about medical expenses? What am I doing not providing for my family? Why am I not working for stock options at a startup, or at least in business school, for god's sake, instead of dooming myself to "poverty" as a professor of political science? My wife has the same doubts. For four extra years of school (and student loans) she now makes half of what she could have made coming out of college, and will never see the money that the newspaper tells us is "enough."

Maybe if enough of us who still acknowledge that the median income in this country is about $30,000; who still make gagging noises in bookstores when we see Suze Orman's gold-clad face peering out at us (or my other favorite title, *Rich Dad, Poor Dad*; that one always makes me feel good about myself); and who still believe that there are more important things in the world than $60,000 automobiles, were able to get together and reassure ourselves that we are not aberrant throwbacks, discarded from the golden road to prosperity, then maybe our nation's distorted and unhealthy value system can finally get well. Thanks!

JACK BUCKLEY
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Tilting at Windmills

BY CHARLES PETERS

Professional Eyebrow Pluckers • Pruned Tree Trimmers • Drunken Gamblers

Zogby the Prophet • Schlesinger's Embarrassment • Cole Porter on Football

AS PART OF OUR EFFORT TO KEEP you informed about trends among the rich and famous, we have several developments to report. First, the number of personal cooks has grown from roughly 1,000 to at least 100,000 in just the last decade according to the United States Personal Chef Association.

Then there's the full-page ad Mercedes-Benz Manhattan ran in *The New York Times* showing three chic teenage girls and headlined: "If their Daddies could buy them CLKs, so could yours." The ad continues, "At Mercedes-Benz Manhattan, your Daddy will be surprised at how affordable a new or pre-owned CLK can be, and how easy it would be for him to prove that you're still your Daddy's little girl."

But my favorite comes from Beverly Hills where the new rage is having your eyebrows plucked in a fancy pink salon by a professional eyebrow plucker. Anastasia Soare, dubbed "the leading architect of the arch" by *The Wall Street Journal*'s Lisa Bannon, plucks up to 70 pairs a day at $40 a pair. If you're into cheap chic, her rival, Valerie Sarnelle, will do you for $35.

What's the appeal of being plucked? "It's like when you're a kid and you hear about sex," explains one of Anatasia Soare's customers. "You can't imagine how great it will be until you've tried it."

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WHEN AN ACCOUNTING FIRM audits a corporation, the firm is supposed to provide an objective appraisal of the corporation's financial health. But in recent years accounting firms have been selling other services to their corporate clients. How can they be trusted to be objective in their audits if they are also trying to hustle the client to buy other services? SEC Chairman Arthur Levitt Jr. thinks they can't and is proposing to prohibit the practice. The accounting industry is outraged and is lobbying hard against the proposal. We agree with Levitt. But we would go further. There is still a problem in having a corporation choose its own auditors. That in itself tempts auditing firms to try to please the corporation with a favorable audit. We believe the auditors should be selected by an independent third party.

Legislation is simply make-believe until it is implemented.

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IF THE NEW HOUSES IN YOUR neighborhood seem bigger than yours, it's not an optical illusion. The average American home is 50 percent larger than it was 30 years ago. Curiously, the size of the average American family has declined by 20 percent in the same period. But, hey, we all need room for our personal chef, not to mention the three cars.

••••••••

IN 1972, THE BUFFALO CREEK dam in West Virginia collapsed and the flood that resulted killed 125 people and destroyed 500 homes. The dam had been constructed by the Pittston Coal Company to handle slurry, which is a thick mix of water and waste particles removed when the coal is processed. As had long been the custom of coal companies, little attention was paid to safety and the dam failed. But, as a result of the disaster, Congress passed the 1977 Surface Mining Control and Reclamation Act that was supposed to take care of the problem.

But it hasn't done the job. "At least 45 dams in southern West Virginia, eastern Kentucky and Virginia have a 'high' potential to break into nearby underground mines," according to the *Charleston Gazette*'s Ken Ward Jr. In October more than 200 million gallons of slurry broke through the roof of an underground mine beneath a dam owned by the A.T. Massey Coal Company and flowed into tributaries of the Big Sandy River forcing several towns to find alternate sources of drinking water.

What appears to have happened is that the U.S. Mine Safety and Health Administration had inspected these dams, told the coal companies about the dangerous ones, and required the companies to submit plans to fix the dams. But plans were submitted for less than half of the dams listed as top priority. And MSHA seems to have failed to take any other action until the latest break occurred.

The moral is that legislation doesn't mean a thing unless it is enforced. This emphasizes a point I have tried as a former legislator and executive branch employee to make to my colleagues in the press: Legislation is simply make-believe until it is implemented. The implementation is the reality. So you can't cover government by staying in Washington after policy is formulated; you have to go out in the field to see how it is turned into action.

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THE FAA'S FAILURE TO ENFORCE its rules addressing pilot fatigue is

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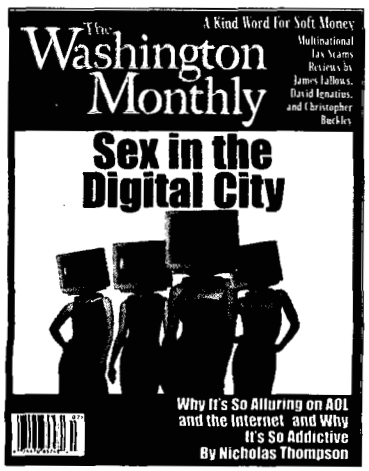

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another example of the gap between the intention of policy and the reality of implementation. For more than a decade, the National Transportation Safety Board has listed pilot fatigue among the top 10 of airline safety problems. The FAA has rules that are supposed to make sure that planes are not flown by exhausted crew. But "those rules have never been enforced [by the FAA] since their inception," American vice chairman Bob Barker recently told Eric Malnic of the *Los Angeles Times*. One result of the non-enforcement was the 1999 Little Rock crash. That crew had been on duty for 13 1/2 hours when the pilot made a tragic decision to land in Little Rock at 10:40 p.m. despite strong winds and heavy rains.

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I LOVED THIS ITEM FROM THE *St. Petersburg Times*: "It was 1:28 a.m. Friday, hours after the nation learned that Texas Gov. George W. Bush pleaded guilty to drunken driving in 1976, when an urgent e-mail arrived at Channel 6 in South Florida.

'Pull the Crist campaign ad immediately,' the email requested.

Charlie Crist of St. Petersburg, Republican candidate for Florida education commissioner, had been attacking Democratic opponent George Sheldon for a drunken driving arrest 16 years ago."

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THE RECENT TROUBLE OF ONCE-mighty AT&T illustrates an important fact of organizational life. If its leaders don't continually try to make it better, an organization is likely to get worse. This happens in government as well as in the corporate world. During the '30s, the Tennessee Valley Authority was a model government agency providing affordable power for millions of people in the South. By the 1960s, it had lost its sense of mission and became a major polluter.

But the reverse of this is true as well. Inept organizations can become models of efficiency. FEMA, terrible under George Bush, was vastly improved under James Lee Witt during the Clinton-Gore administration. Similarly, an organization that has gone from greatness to mediocrity can rise again. That's just what happened at IBM.

The lesson is that the owners have to pay attention to what's going on. If it's a public organization, that means the public has to pay attention—all of which is a long way of explaining why I'm so concerned about getting better journalism about government agencies. If reporters don't tell the public what is going on, how can the public know what's going right, what's going wrong, and what needs improving?

Here's a tiny example of the kind of thing the public needs to know. The District of Columbia has a lot of trees. Six thousand to 7,000 of them are dead, damaged, or diseased and need removing. Twenty thousand need pruning. So the District government just let seven of the city's 14 tree trimmers and removers take early retirement. Earlier, the city paid $25,000 bonuses to persuade 55 snow-plow operators to take early retirement. Now Mayor Anthony Williams says they're needed after all and is asking the city council for authority to rehire them. (Since there's relatively little snow in Washington during the typical winter, one wonders what these fellows do when they aren't plowing.)

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GEORGE W. BUSH DESERVES immense credit for persuading Republicans to face the need for a federal role in making schools accountable. To me at least, this was the most positive element in his campaign. But it's too bad he has been unwilling to face the problem of fair funding for schools. A school should only be held accountable if it has a fair chance to achieve its goals. This means that we have to find a fair way to distribute money to schools. The disparity between the rich suburban public schools and many have-nots in rural and urban areas should not be allowed to continue.

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IF WE ARE EVER TO HAVE FAIR funding for public schools across the country it will probably have to come from the federal government. As Ted Halstead and Michael Lind of the New America Foundation point out in a recent *Los Angeles Times* op-ed, "The federal government, like the central governments in virtually all other advanced nations, should pick up most or all of the tab for K-12 education." It is the only way to enforce nationwide equality of educational opportunity. Realistically, however, it is politically unlikely. The next best thing is for individual states to enforce equal funding within their borders, which states like Michigan and California have taken steps to do. Still, as Halstead and Lind point out, the disparity between states can be daunting—$4,000 per pupil in Mississippi compared to $9,000 in New Jersey.

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"CHRIS WEST LIKED TO GAMBLE and drink," writes Joseph T. Hallinan of *The Wall Street Journal*. "His gambling was costly—he lost $200 at craps on June 20, 1997—but his drinking wasn't. Booze is free at the Players Casino."

You can guess the rest of the story. After as many as 12 drinks, West left the casino, got into his car, drove eastbound in a westbound lane, and crashed into a van, killing three of its occupants.

The Lake Charles Casino is one of the country's 85 riverboat casinos, most of which serve free drinks to their gambling customers. Of the six states that permit riverboat gambling only one, Illinois, forbids free drinks. But it is lax in enforcing its rule. Four other states forbid giving free drinks to intoxicated customers, but in three of them, even that indulgent rule is laxly enforced with slap-on-the-wrist penalties. Only Iowa has tough enforcement.

To make matters worse, many of the riverboat casinos are located

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in remote rural areas. Drunken customers are faced with a long drive home. One had driven 250 miles after leaving the casino and still had a blood alcohol level of 0.18 when he swerved into the path of a car driven by a 17-year-old girl who was killed in the crash.

The explosive growth of gambling is bad enough in itself. Adding free booze is nothing less than insane.

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I CAN'T TELL YOU HOW STRONGLY I believe in the kind of democratic public school that Richard Kahlenberg advocates in this issue. I was fortunate enough to attend three—Mercer Elementary, Thomas Jefferson Junior High, and Charleston High—in my hometown in West Virginia. The pupils at both the junior and senior high schools represented a cross-section of the local social and economic structure. Because you got to know good and bad kids from every group, you acquired a faith in democracy that was real—and realistic. By contrast, my rich friends who went to private schools where they associated exclusively with their peers tend to either think of the poor as inferior—and view them with indifference or contempt—or think of them sentimentally and see them as better than the poor actually are. Knowing good and bad exists on every level of society seems to me to be the best preparation for life as it is.

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I MUST SAY HOWEVER THAT Mercer did inspire something close to Dickensian sentimentality. There were only two rich kids, two girls from the Pennsylvania Pews who were temporarily in Charleston for some reason I can't remember. I was one of just a handful of the middle middle class. All the rest were lower middle class or poor. Roughly one-sixth of the students came from the local orphanage which was just a couple of blocks away. There were only two bad guys in the whole lot, but I quickly learned to steer clear of them on the playground. The rest of us liked each other. When one of the orphans was run over by a car and killed, all of us in the fifth grade class attended his funeral together.

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WE HAVE BEEN REMISS IN KEEPING our readers up to date on continuing legal education opportunities. Perhaps we can atone with this news: The National CLE Conference is offering CLE programs at Vail during January. You might think of Vail as more suited to skiing than to legal education. But the conference brochure assures us that "There is more to Vail than skiing: Snowshoe tours, snow-mobiling, snowcat tours, dog sled rides, horse-drawn sleigh ride dinners, horseback rides, mid-day sleigh rides, indoor ice-skating, hot-air ballooning, and, of course, relaxing with a wonderful massage."

When the late Harry Cushing IV wanted to play polo, he did not depend on the whim of friends; he hired a team.

You can imagine how much legal learning goes on amidst all these diversions. The scandal is that it's tax-deductible. You pay the bill.

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OF ALL THE POLLSTERS, ONLY Zogby predicted Al Gore's popular-vote victory. Gallup and Pew came next closest to the actual result, but predicted a two-percent margin for Bush. *The Washington Post* and NBC/*Wall Street Journal* each predicted a Bush win by three percent. But the real chumps were Portrait of America and Battleground/Voter.com, both of which predicted Bush by a nine-point landslide. Zogby you may remember is the only pollster that caught the last minute Republican surge in 1996 that deprived the Democrats of the expected recapture of Congress.

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ALTHOUGH ARIEL SHARON appears to have been the guilty party in igniting the latest explosion of violence between Israelis and Palestinians, it's clear that extremists in both sides leapt to exploit the incident and pose a continuing threat to hopes for any sane solution.

The news from Northern Ireland is a bit better. David Trimble, the Protestant leader who has been willing to take risks for peace, survived a challenge from the hard-liners late last month. But his 54-46 percent victory shows the narrow margin the good guys have over the haters.

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ONCE YOU HIT YOUR 50s, you begin to worry about losing whatever skill has earned you a living. The anxiety intensifies each year. But there is good news for all of us worriers. The greatest of the editorial cartoonists, Herblock, still turning them out, recently celebrated his 92nd birthday. Jacques Barzun, whose book, *Teacher in America*, persuaded me to go to Columbia 44 years ago, just produced a major book. He's 93. Saul Bellow in his mid-80s published *Ravelstein* to mostly enthusiastic reviews. And another writer in his middle 80s, Arthur Schlesinger, has come out with a marvelous memoir: *A Life in the 20th Century: Innocent Beginnings, 1917-1950.*

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IF I'M GUILTY OF ENVY, I RARELY admit it except in the case of the driver just ahead of me who snatches the parking space I'd been eyeing for the last block. But I have to concede that I envy Arthur Schlesinger. There are episodes in his life where I would have loved to have been in his shoes. First was the year before he entered college when his parents treated him to a year-long round the world trip, by steamship and train, the only kinds of travel I real-

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ly enjoy. The time was 1933-34. He experienced the beauty of pre-War Dresden, rode the Shanghai Express between Peking and Shanghai, stayed at the legendary Eastern and Oriental Hotel in Penang, and saw Fred Astaire and Noel Coward perform in London. My pre-college trip was five days in New York.

During World War II, he managed to perform his public service in FDR's Washington, Churchill's London, and DeGaulle's Paris, all of which were a tad more interesting than Fort McClellan, Alabama, where I spent the largest chunk of my Army career.

His later service as speechwriter and adviser to Adlai Stevenson and John Kennedy placed him a lot closer to the great men than I was as a leaflet hander-outer and doorbell pusher for Stevenson and a county campaign director for Kennedy.

Stevenson and Kennedy do not appear in this book. Their turn will come in the next volume of Schlesinger's memoirs. Back to this volume, I was especially interested in the illuminating stories it tells about American liberalism in the crucial years immediately after World War II.

These stories describe both the proudest and most embarrassing episodes in Schlesinger's public career. At the end of the war, many American liberals, including me, were in danger of being seduced by Marxism. The intellectual leaders of the left who saw the truth about Moscow, and had the courage to make public stands against it that were persuasively argued and documented, helped save people like me from disastrous error. Schlesinger was one of those leaders during the crucial 1946-47 period.

Then came his big mistake. In early 1948, he became a leader of the Dump-Truman movement, a movement that gained so much strength that it threatened to sink one of our better presidents. To his credit, Schlesinger now admits he was wrong. Indeed part of the charm of his memoir comes from the author's disarming concession that there were times when his more-than-occasional arrogance led him astray.

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SPEAKING OF GOOD MEN FALLING into error, one of my heroes, Tom Brokaw, did just that the week before the election. He had invited both Gore and Bush to appear on NBC'S "Nightly News" each night that week. Bush appeared just once and then copped out. Gore appeared every night. His reward was a series of, if not savage, clearly hostile cross-examinations. Fairness would seem to have required that similarly rough questions would have been posed to Bush in absentia to show what he was afraid to face. But instead the tough questions to Gore peaked on the last night when Brokaw began with "Do you agree that Bush's DUI conviction should count against him?" and "Was your campaign responsible for the story?" and concluded with "Governor Bush has many distinguished supporters, including General Colin Powell and General Norman Schwartzkopf. Can you name supporters of yours of similar distinction?"

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ANOTHER CURIOSITY OF THE network's news coverage was the amount of time they gave Ralph Nader. In the final days of the campaign, they seemed to devote as much attention to him as to the major candidates, as, for example, "CNN Headline News" did all during the night of November 6.

The only possible effect of this, assuming the coverage was reasonably sympathetic to Nader as it was, in fact, was to hurt Gore's chances.

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TODAY'S WEALTHY ARE NO PIKERS when it comes to finding ways to spend money, but the bar has been set high by the old elite. Consider Harry Cushing IV, who died recently. His obituary in *The New York Times* recites his list of clubs—the Brook and the Racquet and Tennis Club in New York, and White's in London. His great enthusiasm was polo. He maintained a stable of eight polo ponies in Rome where he lived most of his life. When he wanted to play, he did not depend on the whim of friends; he hired a team.

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SPEAKING OF PAYING FOR WHAT YOU want, that's just what Microsoft is doing to stir up the appearance of grassroots support for its lobbying effort. According to Ronald G. Shaeffer of *The Wall Street Journal*, Microsoft pays people to write their Congressmen. A letter from a mayor or a local Republican official is worth $200. A "premier" letter or a visit by a friend of the Congressman is worth up to $450. An op-ed piece commands $500. Vox populi.

•••••••

A DILIGENT RESEARCHER FOR ABC's "Monday Night Football" discovered that the incumbent party always wins after a Redskins victory and always loses after a Redskins loss in the team's last home game before the election. I'm sure sane readers are mystified—how could one relate to the other?—but the true fan understands. When your team loses you feel like a loser who roots for losers. When your team wins, in the words of the old Cole Porter song, "You're the Coliseum, the Louvre Museum, the bust of Venus," and as Ethel Merman added on a memorable New Year's Eve, "King Kong's penis!" ●

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Mixing Classes

Why economic desegregation holds the key to school reform

BY RICHARD D. KAHLENBERG

IN A SOCIETY MARKED BY SOME OF THE highest rates of income and wealth inequality in the industrialized world, we in the United States put enormous stock in the idea that strong public schools will serve, in the words of Horace Mann, as the "great equalizer." But Mann, the noted 19th century educator, believed that in order to give all students a chance to achieve and do well in life, public schools had to be "common schools," schools which educate both disadvantaged and advantaged children under one roof. Separate schools for poor and working-class kids on the one hand, and middle-class and wealthy children on the other, are inherently unequal, he believed.

For Mann, it was axiomatic that in order for public schools to serve their function of preparing productive workers, enlightened citizens, and loyal Americans, those schools had to be common schools in which "the children of all classes, rich and poor, should partake as equally as possible in the privileges" of the enterprise. In terms of academic achievement, the presence of high-achieving students raises the standard, he argued, and "the mass will rise again and reach it. Hence the removal of the most forward scholars from a school is not a small misfortune." In addition, Mann worried, if the advantaged families withdrew from the common schools, they would be less active in ensuring the quality of the schools and less willing to support annual public appropriations.

To inculcate a belief in democracy, Mann argued, what better way to teach privileged children that they share a common humanity than to teach them in the same school with the poor. Mann firmly believed that education in the common school was necessary to bind a people from diverse backgrounds and religions—an issue more pressing in America than in homogeneous European nations. Mann had observed religious riots in Boston in 1837 and felt strongly that Americans of diverse religious persuasions should be taught to peacefully coexist. The nation's economic and ethnic diversity, Mann believed, could split it asunder unless a common school instilled shared values.

In Mann's vision, then, there was something for everyone. For liberals, there was the promise of upward mobility by exposing poor kids to higher aspirations and new possibilities. For conservatives, there was the promise of economic assimilation and stability and inculcation of American values. For both, there was the promise of a better functioning democracy.

One hundred and fifty years later, as the nation struggled to purge itself of the most egregious violation of the common-school ideal—segregation by race—a well-known sociologist from the University of Chicago, James Coleman, sought to revive the idea of school integration based not only on race, but on social class as well.

But in the years since, no one has taken up Coleman's concern about social-class integration. In the last half century, progressives have properly tackled a number of important educational issues having to do with race (desegregation), religion (ending compulsory school prayer), ethnicity (bilingual education), gender (Title IX), and disability (mainstreaming). When progressives do talk about class in education, it has to do with equal and compensatory funding through programs like Title I and Head Start.

But when parents say they want to live in areas with good public schools, they don't normally mean institutions with the very highest per-pupil expenditures as much as places with solidly middle-class environments. Given a choice between a high-poverty school that spends more per pupil and a middle-class school that spends somewhat less, most parents would not have a hard time deciding on the middle-class school.

Parents know what Coleman knew and what 50 years of sociological data make clear: Being born into a poor family places students at risk, but then to be assigned to a school with high concentrations of poverty poses a second, independent disadvantage that poor children attending middle-class schools do not face. Taken togeth-

EXCERPTED FROM *All Together Now: Creating Middle Class Schools Through Public School Choice*, BY RICHARD D. KAHLENBERG. (A CENTURY FOUNDATION BOOK/BROOKINGS INSTITUTION PRESS, JANUARY 2001)

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er, being poor and attending schools with classmates who are poor, constitute a clear "double handicap."

And yet, in the United States, social analyst David Rusk notes, "We surround children from the weakest families with the weakest neighborhoods and the weakest schools." America's problem, Rusk notes, is not Third World-style poverty in the sense of large-scale malnutrition. America's problem is concentrations of poverty.

Separate and Unequal

Economically separate schools are the fountainhead of countless discrete inequalities, and the best way to guarantee that a school will have what various individual reforms seek to achieve—high standards, qualified teachers, less crowded classes, etc.—is through the existence of a critical mass of middle-class families who will ensure that these things happen. The lack of middle-class presence in a school is so significant that one study found that poor kids attending middle-class schools perform on average better than middle-class kids attending high poverty schools.

All school children in America should have a right to attend a solidly middle-class public "common school." Not a right to middle-class parents, or a right to live in a middle-class neighborhood, or a right to a middle-class income and lifestyle. But every child in the United States—whether rich or poor, white or black, Latino or Asian—should have access to the good education that is best guaranteed by the presence of a majority middle-class student body.

Today, about 75 percent of American public schools have a majority of students from middle-class households, where middle-class is defined as being well-enough off not to be eligible for subsidized school lunch—those making more than $32,000 annually for a family of four. Those schools tend to work pretty well at educating children, regardless of their individual family circumstances. The other 25 percent of schools are majority low-income, and those schools overwhelmingly fail to educate children to high levels of achievement.

When parents describe certain schools as "bad" they usually are talking about schools dominated by poor kids. This parental attitude is not fundamentally racist or classist. It is based on the historically validated social reality that when public schools educate poor students separately from other students, the high poverty schools do not normally provide an equal, or even adequate, education to their students. In an overwhelmingly middle-class country such as ours—where almost two-thirds of students are middle-class—we should be able to find creative ways to ensure everyone access to good, middle-class public schools.

It is important to note that the right to attend middle-class schools should apply to middle-class kids too. Small numbers of middle-class children should not be assigned to majority poor schools, just to achieve some greater degree of economic mixing. Middle-class children also perform worse on average in majority poor schools, and they shouldn't have to attend them, just as poor kids shouldn't be compelled to.

Remedies

For the past half-century, we've tried to promote equal opportunity, tap into the potential of all American children, and thereby raise the overall level of achievement, by pursuing a twin strategy of racial integration and compensatory educational spending. We now know that neither strategy has achieved what we had hoped.

Racial integration was cut off at the knees in 1974 when the Supreme Court effectively exempted most suburban jurisdictions from desegregation plans. As a result, city-centered busing plans helped promote white flight, and in many cases, integrated only those poor white and poor black students left behind. These racially integrated but predominantly poor schools failed to raise achievement or improve life chances for students. The academic benefits of integration to blacks stem not from the whiteness of classmates, but from higher achievement and aspirations found among the middle-class.

The other strategy, pouring greater and greater amounts of money into high poverty schools, has also proven disappointing. Money does matter to educational achievement, but research—and common sense—tells us that the people who make up a school, the students, parents, and teachers, matter more. Spending more money on schools where large numbers of classmates misbehave and ridicule achievement, where parents are inactive, and where the best teachers transfer out as quickly as possible, can do only so much.

In short, the two principle strategies of the past 40 years have been positive and necessary, but ultimately limited and flawed, tools for attaining the goal of equal opportunity. Our schools remain highly segregated by economic status. Today, low-income 12th grade students read on average at the level of middle-class 8th-graders. Children whose families are in the bottom income quintile are twice as likely to drop out of high school as those in the top quintile. In the end, some 76 percent of high-income students complete bachelor degrees compared with four percent of low-income students.

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Pass or Fail

In *Brown v. Board of Education*, the Supreme Court declared: "In these days, it is doubtful any child may reasonably be expected to succeed in life if he is denied the opportunity of an education"—a statement far more true now than in 1954. Today, education spending constitutes the single largest budget item in nearly every state budget. And yet we fail, miserably, to educate large segments of our population.

This backdrop of failure has opened the way for a dramatic new assault on public schools by conservative advocates of private-school vouchers. This movement, which has gained a greater hearing than at any time in recent memory, capitalizes not only on the popularity of "choice," but also, ironically, on the importance of equity.

In 1998, five Republican governors declared: "We believe every child, regardless of social or economic status, should have the same variety of educational opportunities, wonderful teachers, and safe schools as the most privileged children enjoy." Implicit in the conservative argument that it is unfair to trap poor kids in bad local schools is the profound truth that the neighborhood assignment can be a source of great unfairness to poor people.

In reality, the call for equity through vouchers is usually misguided, since privatization under most circumstances will further segregate the schools by race and class, because the "choice" that advocates talk about ultimately resides with private schools rather than students. But voucher advocates are right to call for substantial change. In a recent NBC News/*Wall Street Journal* survey, 58 percent of Americans said "we need to make fundamental changes" in public education, compared with 35 percent advocating "some changes," four percent favoring "minor changes" and just one percent arguing for "no changes at all."

Instead of advocating dramatic change, Brown University's Michael Alves notes, "Education reform is out there trying to make *Plessy v. Ferguson* work." Progressives have embraced a variety of modest steps: reducing class size, adopting voluntary national standards, ending social promotion, ensuring better teacher training, and promoting charter schools. These are positive steps in the right direction; but even if all those changes are enacted (which they won't be), they would not accomplish half as much as embracing Mann's one big idea of economically integrated common schools.

Given neighborhood segregation by economic class, the best hope for promoting common schools today is to tap into the revolution in public school choice (charter schools, magnet schools, alternative schools, and the like). Compulsory busing is a nonstarter. But in communities like Cambridge, Mass. and Montclair, New

Common-School Education Is A Right

It is worth emphasizing that the social, as opposed to educational, achievement benefits of socioeconomic integration are not the central rationale for the policy. The primary argument for economic integration is that there is an individual right to enjoy equal educational opportunity to improve student achievement. The argument that communities will benefit from integration (whether or not educational achievement and life chances of the poor improve) is secondary. Standing alone, the social benefits argument is more vulnerable to the attack of social engineering, and to the charge of unfairness to individual students.

The social engineering attack says the focus of school reform shouldn't be on creating a utopian society, but rather on educating children and raising their achievement. Busing schoolchildren to accomplish racial integration can and has been attacked for "using children to achieve social reforms that adults to date have been unwilling to accomplish" and for treating children as "pawns on a chessboard." Critics of racial busing continually employed this dichotomy—between adult goals and educational achievement of kids—to great effect. Stokely Carmichael and Charles Hamilton, for example, argued: "The real need at the present is not integration but quality education." The related fairness critique asks why should an individual child's right to get a good education be trumped by the larger societal goal of promoting integration?

Socioeconomic integration answers both the social engineering and fairness critiques directly. The primary reason we need to integrate is that it's essential to raising educational achievement; the child's education is first and foremost, and the key argument is made directly on conservative turf. By extension, the reason it is fair to integrate students is that a middle class child's desire to attend school X for his education is not pitted against the abstract societal good of integration but rather against another child's equally worthy desire to attend school X. Put differently, the central rationale for economic integration is tied to equal opportunity rather than diversity, to justice rather than social utility. In the words of an attorney in Wake County, North Carolina, which adopted an income integration program in 2000, it's "educational engineering" not social engineering. —*RK*

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Jersey, school officials use a system of "controlled choice" which honors parental preferences with an eye to also ensuring integration.

Life After Brown

The evidence suggests that middle-class children will not be hurt by economic integration, so as long schools remain predominantly middle-class; that poor students will raise their levels of achievement and attainment and success as adults if they attend middle-class schools; and that the lives of all students, and of the nation, will be enriched by exposure to diversity, even as students are bound together in common enterprise.

All school children in America should have a right to attend a majority middle-class public "common school."

There is a great deal of data which provides direct evidence regarding the importance of a school's socioeconomic status on life chances, both with regard to academic achievement in school and subsequent accomplishments as adults. The notion that the socioeconomic status of classmates has a powerful effect on achievement is, Gary Orfield and Susan Eaton note, "one of the most consistent findings in research on education." The seminal study is Coleman's exhaustive 1966 report, "Equality of Educational Opportunity." Summarizing the report's findings in *The Public Interest*, Coleman wrote, "The educational resources provided by a child's fellow students are more important for his achievement than are the resources provided by the school board."

Dozens of studies conducted before and after the Coleman Report have come to similar conclusions. In 1994, an Urban Institute study of more than 1,000 public-housing students in Albuquerque, New Mexico, found that after controlling for home environment, if a poor child lived in a neighborhood and attended a school with 20 percent poverty rather than 80 percent poverty, his score on standardized tests was likely to improve by 13 percentile points.

In 1998, David Rusk's study of the effect of poverty concentrations on school districts in Texas in the 1995-96 school year found that a middle-class school environment "significantly improves poor children's academic achievement." Controlling for income, Rusk compared the Texas Assessment of Academic Skills passage rates of low-income kids in two districts: Alamo Heights, with a 17-percent low-income population, and San Antonio, with an 88-percent low-income population. Even though San Antonio spent slightly more than wealthier Alamo Heights per pupil ($5,333 vs. $5,284), 61 percent of Alamo Heights low-income students passed compared with only 39 percent of San Antonio low-income students. Classmates trumped expenditure. The lesson of the study, Rusk concluded, was "don't move money, move families."

But if the poor benefit from integration, how is it possible that the middle class are not hurt? This seems too good to be true.

One reason it is possible for the poor to do better academically without middle-class performance suffering has to do with the disproportionate influence of the culture of a numerical majority. Most research finds that the effects of classmate poverty are nonlinear: there appears to be a "tipping point," a "threshold" or "critical level" at which point the cumulative impact of classmate poverty becomes much worse. Writing about neighborhood poverty, Jonathan Crane found that in bad neighborhoods, "the whole was greater than the sum of the parts." Change in neighborhood status at the bottom had 50 times the effect on black dropout rates as changes in neighborhood status in the middle. Likewise, another study found that, although there was no effect on teen pregnancy in moving from living in a high to middle status neighborhood, there was a significant negative effect in moving from middle to low. Crane concluded, "The nonlinear pattern of the model's results implies that desegregation [by class] would have large net benefits. It would greatly reduce dropping out and childbearing among teenagers from the worst neighborhoods yet would increase these problems among those from other communities very little."

A second reason it is possible for the poor to benefit without hurting the middle class is that the poor are more heavily influenced by school environment than the wealthy. This "differential sensitivity" to school environment, one of the central findings of the 1966 Coleman Report, has been dubbed "Coleman's Law." Coleman found that blacks are twice as affected by school environment as whites, and that integration is "asymmetric in its effects," having "its greatest effect on those from educationally deficient backgrounds." The reason, Coleman said, is straightforward: For those with strong family backgrounds, aspiration and achievement are more firmly rooted; those with weaker family back-

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grounds, who spend less time under adult supervision, are more open to the influence of peers—a conclusion consistently reached by researchers. This finding comports with studies finding that it is a disadvantage growing up in a single parent family not only because income is reduced but also because of an independent effect having to do with reduced parental attention. (Today, poverty is a particularly good marker for single parenthood: In 1960, 24 percent of poor families were headed by unwed mothers; by 1993, 53 percent were.)

Likewise, the poor are more affected by school environment because disadvantaged children have, in Alan Wilson's words, "larger reservoirs of undeveloped talent." Middle class children learn a great deal at home, Christopher Jencks and Susan Mayer note, while "poor children must learn such skills at school if they are to learn them at all." To take one concrete example, one of the benefits to poor students from integration is picking up tips on how to apply to college. Gary Orfield found in a study of 5000 students in Indiana that "kids whose parents aren't educated have no idea how to negotiate high school and get ready for college and if they don't get that from their school and from the peer group that's in their school, they're just not going to get it." Obviously, middle-class kids having some poor peers will not be "pulled down" in the sense of losing knowledge about how to apply to college.

An array of studies going back 40 years has found that low-income children have lower educational and occupational aspirations, even when controlling for IQ. That is to say, high-achieving poor students have lower aspirations than high-achieving upper-middle-class students. Students growing up in poverty often experience a daily life that does not include lofty dreams. Journalist Alex Kotlowitz tells the story of two young boys growing up in a Chicago housing project. Surviving into adulthood is not a given; the two "knew more funerals than weddings." LaFayette, a 10-year old, tells Kotlowitz, "If I grow up, I'd like to be a bus driver." Kotlowitz notes, "If, not when."

Where in low income schools, students ask, "Are you going to college?" in wealthier schools, the question is, "What college are you going to?" A 1997 Congressionally authorized study of Title I found that parents in high poverty schools were much less likely to expect their children to graduate from college than parents in low poverty schools (52 percent vs. 74 percent).

Finally, middle-class kids will not be hurt if integrated schools employ sensible ability grouping and discipline policies. A new influx of poor children into a middle-class school will mean, on average, an increase in the number of slower students, though the change in ability range will not be enormous since 80 percent of the variance in achievement is already within schools rather than between them. Fair ability grouping and discipline policies should allow the top students to progress at their own speed, while exposing poor kids to middle-class values and habits, and provide a safe and productive environment for all students.

Heartland Reform

For the leading example of public-school integration by socioeconomic status, we turn not to left-wing hot spots like Greenwich Village, New York, or Berkeley, Calif., but to La Crosse, Wis., in the nation's heartland. With 50,000 residents, La Crosse is small by national standards, but its nearly 8,000 students make it fairly large for Wisconsin.

Until the early 1980s, the population was virtually all white, but sharply divided by class. The school district, which includes some surrounding "suburban" towns (bringing the district population to 60,000) is narrow and extends vertically, bounded by the Mississippi River on one side and a line of bluffs on the other. It covers about 100 square miles, running 15 miles in length and seven miles wide. In the middle of the vertical strip, the town is divided by a marsh. The north side of the marsh is heavily blue collar, with brewery workers and other laborers. The south side tends toward professionals, including white-collar employees at of the University of Wisconsin, a small private college, and two major medical facilities.

During the 1980s, La Crosse had become somewhat more ethnically diverse as the town experienced an influx of Hmong refugees from Laos, many sponsored by local churches. By 1992, Hmong refugees made up 12 percent of the population, and the schools were 15 percent minority—12 percent Asian American and three percent black, Hispanic, or Native American.

The city has two high schools: Logan on the north side, and Central on the south side. When Superintendent Richard Swantz arrived in La Crosse in the late 1970s, Logan High School was considered a vocational school, and Central the college preparatory school. "The first thing that really hit me between the eyeballs," recalls Swantz, was that "the north-side high school had a completely different set of graduation standards. It was credits below the other high school. It didn't offer the same curriculum."

Logan, says education reporter Joan Kent, was "considered the other side of the tracks. It was the place with the lowest scores. It was the place where you took more shop classes as opposed to college prep." Attorney James Birnbaum recalled that the two high schools split the

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town: "The northsiders did not associate with the southsiders ... Intracity athletic events were ... emotional blood baths that mirrored the Civil War and the Crusades."

When Swantz arrived, Logan was rebuilt to accommodate more students, and because Central was overcrowded, Swantz proposed moving the boundary line both to relieve overcrowding, and to create more economic balance between the schools. His plan was to move some of the affluent children living just below the marsh to Logan High. The move was hugely controversial.

"That marsh was like a Mason-Dixon Line," Swantz recalled. After much debate, the board, by a 5-4 vote, went along. "For the first time," says the *Los Angeles Times*, "the sons and daughters of the affluent south side sat in the classrooms with the blue-collar kids from across the tracks." The board president at the time, Dr. Charles Miller, said his son, who was redistricted to Logan, "was one of the first doctor's sons ever to go to that high school."

University of Wisconsin professor Joe Heim recalls, "A lot of older people in La Crosse had a fit about this." Some moved to avoid being in the new district; others rented houses to stay in the Central District. But over time, the shifting of high-school boundaries was considered, in the words of Mayor John Medinger, a "huge success." "By any measure," says Joe Heim, the "redrawing of the boundaries on that issue has had a very positive effect." The economic makeup of the two schools is now very similar: In 1997-98, the free-lunch rate was 18 percent at Central and 19 percent at Logan. "The schools are completely equal now," Swantz says. Whereas before the boundary change, the test scores were "significantly different," since then they have been "similar year in and year out." In 1995-96, the suspension and dropout rates at Central were actually slightly higher.

More importantly, the equalization did not come through leveling down. "Logan came up. Central did not go down," Swantz notes. In 1979-80, before the boundary change, the 11th graders at Logan scored in the 49th percentile on standardized tests. By 1991, Logan students had risen to the 62nd percentile, and Central students had moved up too, to the 67th percentile. Board member Ken French, who attended blue-collar Logan, says in his day, "One in 100 would make something of themselves," but today Logan is "equal" to Central. The SAT results remain high. In 1995-96, combined SAT scores were 1261, compared with 1163 in Wisconsin and 1013 nationwide.

Today, La Crosse has a relatively high rate of poverty, but a very low high-school dropout rate. In 1995, when Wisconsin's larger school districts were ranked by the percentage of students on welfare, there was a strong correlation between the welfare rate and the high-school dropout rate—as there is nationally. La Crosse was an exception to the rule. Among 18 large Wisconsin school districts, La Crosse was the third poorest, but its low dropout rate—1.54 percent—placed it 15th. The number of high school dropouts district wide went from 122 in 1981-82, just after the merger, to 23 in 1990-91.

Medinger observes: "A lot of parents today would rather have their kids go to Logan for college prep than Central." Moving the boundary "took this community, which was divided between north and south, and made it a blended community for high-school purposes."

In the early 1990s, the La Crosse school board voted unanimously to replicate the high school integration strategy with a plan to better balance the free-lunch student population in the elementary schools. This effort, though controversial at the time, is still in effect today, and is associated with rising test scores. More recently, school boards in Wake County (Raleigh), North Carolina, and Manchester, Connecticut, have implemented income-integration schemes, and officials in San Francisco and Seattle are also considering doing so.

Nearly half a century ago, *Brown* ushered in an era of renewed concern for equal opportunity and provided a promising approach to ending not only racial apartheid in the South, but unequal educational opportunity nationwide. Today, shifting to class-based desegregation of the public schools will reinvigorate *Brown*'s broader promise and hone in more precisely on what has always been the key school factor in determining academic success—the social classes of a student's peers. Emphasizing socioeconomic integration answers the conservative charge that it is insulting to presume that predominantly black schools are inferior, but also acknowledges the liberal insight that predominantly poor schools (many of them largely black) need to be desegregated in order to provide genuine equal opportunity.

As racial desegregation orders are lifted in city after city and even voluntary racial integration plans are struck down, economic integration represents the new frontier of school desegregation. It is an idea based not only on rectifying historic crimes, but on the notion that it is past time to implement the most important step we can take toward promoting equal educational opportunity. Common schools are very ambitious, even bigger than *Brown*. But Horace Mann's old idea of the Common School, updated with an emphasis on public school choice, is precisely the type of big idea we need to help save public education. ●

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Tidbits & Outrages

No, no, it's "duuuuuude."

A CD-ROM series popular in Italy uses clips from "Beverly Hills 90210" to teach proper pronunciation of English words.

We're looking for a few sick men.

A hotline has been set up to locate 100,000 people born at Camp Lejeune, North Carolina, where the Marine Corps base's drinking water was contaminated with chemicals linked to cancers and birth defects.

But will they serve iceberg lettuce?

The San Francisco Port Commission is considering a proposal to construct a [illegible]-foot long, 56[illegible] floating hotel modeled after the doomed Titanic.

White House Outhouse

A man on a public tour of the White House was arrested for urinating in the Green Room.

Plus free checking.

The Seychelles government passed legislation stating that anyone depositing at least $10 million in one of the nation's banks should be given citizenship.

OK, OK, I YIELD THE FLOOR

Congressman George Nakano from California is a fifth degree blackbelt in kendo.

They should have a halftime show

Twice as many people watched the last Super Bowl as all the presidential debates.

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KOSOVO

CONTENDING VOICES ON BALKAN INTERVENTIONS

EDITED BY William Joseph Buckley

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Decontrol Freaks

How Clinton won the Cold War at the Commerce Department and saved Silicon Valley

By Erik Wemple

When President Bill Clinton took office in 1993, the Cold War had already logged three years in the history books, but it was raging on in some halls of the U.S. government. Thanks to a national security establishment obsessed with keeping American technology out of the hands of the Evil Empire, no company in the United States could export a computer more sophisticated than the ancient IBM 486 without fulfilling smothering license requirements from the U.S. Department of Commerce and passing endless reviews by the Department of Defense.

While the old 486 couldn't even play Solitaire, congressional hawks and White House Luddites were convinced that, if exported, it would rev up nuclear weapons plants from Beijing to Baghdad. As a result, the East-West thaw had done nothing to loosen the export-control policies of Clinton's predecessor, George Bush. As Soviet satellite states drifted into their own orbits, the Bush administration acted as if Mikhail Gorbachev had been readying a new shipment of missiles for Cuba. The free-trade bent of the Clinton administration, though, has since banished the export-control hysteria of the Bush years, shelving it alongside relics like bomb shelters.

Despite his frequent capitulation to the Pentagon and national security hawks over foreign policy, Bill Clinton stared down both of them to loosen the reins on the country's burgeoning high-tech industry. With a series of targeted decontrols for computers, chips, and encryption software, Clinton's Commerce Department unleashed the U.S. info-tech industry on export markets from South Korea to Argentina, contributing in no small way to this country's recent unbridled economic growth.

No-Flow Chart

Where Republicans usually fight for reducing regulation and getting government off the back of business, when they turn their attention to export controls, they act like red-tape-loving Democrats. Over the years, Republicans have worked to throw up all sorts of obstacles to selling U.S. products abroad, arguing that sophisticated U.S. products might end up aiding some of our most ruthless enemies. Several decades of such Cold War obsessions have created an export-control system designed to torture anyone wishing to do business overseas. Here's how it works:

If you export high-tech commercial items, you must comply with regulations administered by the Commerce Department's Bureau of Export Administration. If you export munitions items—or commercial items that the government has classified as munitions—you must deal with the licensing requirements maintained by the State Department's Office of Defense Trade Controls. Nuclear-related items? Try the Nuclear Regulatory Commission or the Energy Department. Shipments to embargoed nations? Direct all inquiries to the Treasury Department's Office of Foreign Assets Control. And sitting in the middle of it all is the Defense Department, which reviews just about every strategic export license application received by the U.S. government.

The interagency patchwork developed shortly after World War II, when the United States and its allies erected the Coordinating Committee for Multilateral Export Controls (CoCom), an export control alliance commonly referred to as NATO's economic arm. Although CoCom controls applied exclusively to the Soviet bloc, the U.S. created parallel alliances to curb the spread of weapons of mass destruction—nuclear bombs, chemical warheads, and missiles—to developing countries. The trick that CoCom and Co. tried to pull off—and one that has bedeviled Washington policy makers for decades—was how to balance the national security dimension of export controls with the imperatives of free trade and the competitiveness of U.S. industry.

In the security-crazed Cold War years, export control decisions almost always trumped corporate wishes—and in some cases, with good reason. However, with help from hawks in the White House and Con-

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gress, export-control policies allowed the self-perpetuating bureaucracy to wrap its tentacles around every last container awaiting shipment at U.S. ports and excesses pop up everywhere in the U.S. Code:

• When Rwandans took to slaughtering each other with primitive weapons in the mid-1990s, the U.S. added machetes to its control lists.

• When Iranian terrorists attacked Persian Gulf oil platforms in the late 1980s from rubber boats, the U.S. imposed export licensing restrictions on inflatable rafts. Scuba gear, helpful to mine-planting Iranian divers, also became a strategic commodity.

• Earlier this year, Kodak learned that its "Fun Saver 35" submersible camera, designed for photo-ops in backyard pools across the country, was in fact subject to special anti-terrorism controls. Even though the camera implodes at depths greater than 12 feet, the government fears that the bad guys will use it to take pictures of U.S. surveillance equipment on the ocean floor.

The export-control establishment also specializes in tacking crazy conditions onto export licenses issued to U.S. companies. The most creative examples come from the Defense Department, which discerns a conspiracy behind even the most innocuous transactions. A few years back, for instance, Defense reviewed an application from a U.S. company to export computers to a chocolate factory in Brazil. Before Defense would consent to the shipment, it required assurances from the company that the computers would not be diverted for nuclear weapons applications.

Great Leap Forward

The export bureaucracy was playing its usual stall game when President Clinton took office in January 1993. At that time, export-licensing thresholds for computers—the most commercially significant commodity subject to controls—were pegged to 1990 technology. Under Commerce Department export control terminology, any computer exceeding a "composite theoretical performance" of 12.5 million theoretical operations per second (MTOPS) required a license for shipment. In layman's terms, a 12.5 MTOPS computer was a commonly available machine running on the now-ancient Intel 486 chip.

In a pattern that would repeat itself throughout the decade, computer techies spat out new chips that made the 486 obsolete in a hurry. By midsummer 1993, computer firms were preparing to mass-produce computers incorporating the first-generation Intel Pentium chip and Digital Equipment Corp.'s Alpha AXP chip, which would launch performance levels to 200 MTOPS, or 16 times the existing licensing threshold.

Yet export control agencies snoozed through those projections. Stuck in their Cold War habits and accustomed to decontrolling just enough technology to keep licensing officers busy, the bureaucracy tweaked the licensing level only to 67 MTOPS in August 1993. When industry protested, the agencies discussed another marginal deregulation, perhaps to 110 MTOPS. While the agencies spun their wheels, U.S. computer exports got stuck in the gears. Of the $30 billion in annual overseas computer sales in 1992, more than one-third was subject to Commerce licensing requirements and exhaustive multi-agency reviews.

On the campaign trail a year earlier, Clinton had promised Silicon Valley that he would ease its export licensing burden. Like exporters in other tightly regulated sectors, computer and chip makers argued that the restrictions not only posed a massive administrative hassle but also caused months-long shipping delays that damaged their reputation as reliable suppliers. Clinton was sympathetic to their arguments, in large part, because he understood the implications of the coming technological revolution.

There was a time—perhaps in the mid-1950s—when the U.S. held a virtual worldwide monopoly on militarily critical technologies, particularly in cryptography. Back then, it made sense to orchestrate selective embargoes to keep the Soviets and other rogues from enhancing their weapons systems and to maintain U.S. dominance.

Clinton never argued that some exports controls weren't necessary—indeed, exports of munitions and high-tech weaponry should be restricted and are tightly controlled today—but the products at the heart of the export debate were mostly consumer goods, products central to the growth of our information technology infrastructure.

And what Republican technophobes didn't realize was that computer technology had grown too fast for the U.S. to keep a lid on it. Not only could the high-speed microprocessors be carted out of the country in a bubble-gum wrapper, the U.S. no longer had a monopoly on computer, chip, and software development. The Japanese, Germans, and even the Chinese were rapidly developing homegrown tech sectors.

Even if the U.S. never sold a single 486—or Pentium III chip—outside its borders, rogue states would have no trouble obtaining them elsewhere. The technology was, in effect, uncontrollable. Realizing that export restrictions were merely suffocating American industry and leaving the U.S. at risk of one day having to import most of its technology, Clinton made a bold move: In September 1993, the White House announced

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a new licensing level for computer exports of 500 MTOPS.

Industry rejoiced, but national security hard-liners were outraged—and worried about the loss of U.S. superiority in key defense technology. Kenneth Timmerman, a critic of U.S. export sales to Iraq prior to the Persian Gulf war, called the deregulation "an open invitation to proliferators everywhere." *Washington Post* columnist Lally Weymouth wrote, "The new U.S. policy on export controls is good news for Syria, Iran, and North Korea—rogue states that have close working relations with one another." The right wing, moreover, fulminated in condemnations of a traditional ally in the trade control fight: the Defense Department.

Defense Secretary William Perry, a longtime proponent of lifting export controls, and his progressive deputies infuriated mid-level Pentagon employees, who had fought their entire careers against the very wholesale changes that the administration was pushing. But no force—not obstructionist bureaucrats, and certainly not the Republican Congress—could undercut the administration's determination to keep export controls ahead of technology. Over the past seven years, the Commerce Department has promulgated four additional computer decontrols as well as a deregulation of data encryption products.

Even if proliferation activists turned up IBM supercomputers at Indian and Pakistani missile installations, the administration wouldn't likely backpedal on its liberal export-control policy. That's because it fears the collapse of the U.S. computer industry, which supplies critical equipment to the military, more than a few errant shipments of U.S. technology.

"The Pentagon needs [the high-tech industry] more than they need the Pentagon," says Commerce Department Under Secretary for Export Administration William Reinsch. "And in order to keep the industry healthy, you gotta let them export. That's a revolution in thinking about export controls."

In his drive to free high-tech companies from the export-control straitjacket, Clinton has forged a new consensus on the instrumentality of computer technology in weapons projects: Sure, computers may be integral in designing weapons, but they're also integral in tracking inventory at Wal-Mart or storing records at the municipal courthouse. And hard-liners' contentions on the lethality of computers lose currency with each passing day. For eight years, the international nuclear weapons club has remained stable, despite the glut of

The Washington Monthly

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Chicago Tribune, October 22, 2000

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DATELINE NBC

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October 27, 2000

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American-made computer technology at ports everywhere.

"Computers aren't a chokepoint," says Reinsch. "If you want to prevent nuclear proliferation, you control enriched uranium and centrifuge technology."

Computers are merely emblematic of the Clinton administration's successes in modernizing U.S. export-control policy across the board. Twelve years of national security obsession in the Reagan and Bush administrations had also left telecommunications companies, encryption software firms, and machine tool producers laboring under unreasonable licensing parameters. Loosening those restrictions met with varying degrees of resistance, depending on the product in question. It wasn't until January 2000, for example, that the administration finally removed most controls on commonly available encryption software.

The sluggishness of decontrol in this area is traceable to the rich history of U.S. leadership in code-breaking technology—an asset that the national security establishment has been loath to hand over to our overseas enemies. With the advent of the Internet, however, robust encryption software is produced by foreign companies and it can be downloaded by techies in suburban Detroit as well as in suburban Baghdad. Even the National Security Agency, the government's proprietary eavesdropper, agreed that it no longer made sense to control the uncontrollable.

Although national security types have trouble documenting the harm done by Clinton administration export control policies, industry has some hard figures on the asset side. From 1993 to 1999, high-tech exports from the U.S. jumped from $97 billion to $181 billion; the computer sector accounted for a sizable chunk of that growth, spurting from $31 billion in 1993 to $49 billion in 1999, according to figures supplied by the American Electronics Association. Computer industry jobs grew from 266,000 to 362,000 in the same period.

Quantifying just how much sales growth derives from liberalized export-control policies has tied congressional hawks and industry lobbyists in knots for years. But when you consider that computer sales rank among the top three U.S. exports, and that overseas customers—like all of us—want state-of-the-art equipment, adjusting the control levels takes on a bottom-line dimension.

Satellite

Clinton's accomplishments in the export-control arena seem even more significant if you match them up against what the Republicans in Congress have done on the issue over the past few years. Take, for instance, satellite exports.

Following allegations that U.S. satellite firms Loral and Hughes gave strategic technology to Beijing, the Republican-led Congress pushed through an amendment to the 1999 National Defense Authorization Act to clamp down on satellite exports. Specifically, the legislation transferred authority for controlling commercial satellite exports from Commerce to the State Department, where satellites are categorized as a munition. Rep. Duncan Hunter (R-Calif.), who sponsored the change, aimed to keep U.S. companies from shipping satellites to China, a military power whose sophistication in missile propulsion grows with each satellite launch.

On that basis, at least, Hunter has succeeded: No U.S. company has exported a satellite to China since the law took effect in March 1999. And although Hunter never proposed crippling the U.S. satellite industry, he's doing that as well. According to Clayton Mowry, executive director of the Satellite Industry Association, the U.S. satellite firms' world market share has dropped from 75 percent to 42 percent in the first nine months of this year—a drop that exceeds all cyclical variations from previous years.

At the root of the plunge, say industry execs, lies the hesitancy of foreign firms to do business with overregulated U.S. companies. China these days is a hot market for satellites, and European firms hesitate to team up with American companies because the end product may well be subject to U.S. munitions export-control requirements. "This has scared away U.S. companies from bidding on satellites for companies with any ties whatsoever to China," says Mowry. "U.S. companies are worried that they would never get a license."

And to the everlasting astonishment of Congress, the Chinese satellite/missile industry marches on—even without U.S. participation. In November 1999, the Chinese claimed their "crowning moment" with the successful launch of the manned spacecraft Shenzhou-1, according to *Spaceflight Now* magazine. "Their space program is stronger now than when we started all this," says Jim Lewis, who just left a job as the Commerce Department's director of strategic trade and is now director of technology policy at the Center for Strategic and International Studies.

The satellite story essentially vindicated the Clinton administration's policies over the past eight years, which have effectively silenced the country's last Cold War relics—at least when it comes to international trade. "The hard liners have failed to deliver," says Lewis. "They said, 'Do these things to affect weapons proliferation,' and we did these things and the only ones affected were U.S. industries." ●

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Racial Profiling

The mislabeling of black conservatives

By Jim Sleeper

With apologies to Spike Lee, I'd call "bamboozled" anyone who tosses Thomas Sowell, Shelby Steele, Abigail and Stephan Thernstrom, Stanley Crouch, and John McWhorter into a box labeled "racial conservatives" just because all these writers think that more pedagogical and legal color-coding would retard real diversity and justice. Calling them "conservative" for that only accelerates journalists' dismal scramble to reduce our vast racial sea changes to water fights between tipsy, if quotable, bathers. When public intellectuals join in the ideological labeling, they deflect even serious readers' attention from whatever the writers they mislabel are actually saying. Too often, such name-calling really just shields its perpetrators from criticism by their own partisan comrades for paying "the other side" any attention at all; such reviewers label a book less to clarify its positions, than, glancing over their shoulders, to "position" themselves.

Under review...

LOSING THE RACE: Self-Sabotage in Black America
by John J. McWhorter
The Free Press, $25.00

and

A PERSONAL ODYSSEY
by Thomas Sowell
The Free Press, $25.00

These dolorous musings were prompted recently by Harvard Law professor Randall Kennedy—who, in my *Liberal Racism*, lamented being called a "conservative" for taking race-neutral positions uncongenial to his fellow leftists. But now Kennedy has written that McWhorter's *Losing the Race* "is [his] bid to join Thomas Sowell, Shelby Steele, and Abigail and Stephan Thernstrom as an influential intellectual among racial conservatives." An editorial board member of *The Nation*, he declares in his *Los Angeles Times* review of McWhorter's book that "the most prominent, respected, and influential of the black intellectuals who comment primarily on racial issues are situated ideologically on the left," among them "Patricia Williams, Cornell West, Henry Louis Gates Jr., William Julius Wilson, Lani Guinier, June Jordan, Manning Marable, Orlando Patterson, Derrick Bell, and Michael Eric Dyson."

Wouldn't it be more accurate to call two or three of these worthies "racial conservatives," in that they work to conserve and enhance racial differences and the color-coding structures and strictures that sustain them? And isn't it actually McWhorter, Steele, Crouch, and the Thernstroms who nobly resist what the left, too, used to resist—the fraudulent claim that skin color betokens cultural "difference" and political belonging in socially positive ways (as distinct from defensive, divisive ones)? Are these questions still new? Are they still even questions?

Not for McWhorter and Sowell, they aren't. These two writers—the first a young political maverick, the second a true free-marketeer and conservative-movement workhorse who looks back on nearly 70 years of contrarian, often lonely, standard-bearing—answer the questions I've posed by favoring less emphasis on racial differences and rejecting them utterly as organizing principles of American political and civic (especially university) life. People who call such critics "conservative" simply for holding such racial-policy views often imply that capitalist elites are paying them to present black racial awareness and race loyalty as more dangerous than racism itself. But both McWhorter and Sowell take obvious pride in blacks' endurance, and both care a lot, if sometimes angrily, about blacks' failures.

What they don't support is the kind of race loyalty that accompanies the promulgation of racial differences in law. How that makes them conservative is a mystery to me. The most "prominent, respected, and influential" defenders of racial preferences

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against the 1998 Washington State referendum that abolished them weren't academics "situated on the left" but Boeing, Starbucks, and Microsoft. Ideological labeling obfuscates who's on what side of which battle. When the labeling is done by liberals or leftists, it is an attempt to reassure us that if we read Shelby Steele years ago in *Harper's*, we've already heard more than enough and that, just as we didn't seriously ponder the Thernstroms' research and arguments, we needn't bother to read the other "conservatives" now.

McWhorter's volume very engagingly reworks and expands what "we" have been missing, and since he's addressing young blacks as well as whites, he opens windows some of us may have left closed. The son of a black social worker who taught at Philadelphia's Temple University while raising her son in an integrated neighborhood and, later, a black suburb, McWhorter is an associate professor of linguistics at Berkeley. In his spare time, he is an actor and his stage presence can get the best of his arguments; but if Kennedy is right to judge parts of the book "analytically weak," that assessment is itself weakened by pre-emptive ideological labeling. Serious thinking about race resists such corralling in Kennedy's own useful *Race, Crime, and the Law* and, more recently, in Paul Gilroy's *Against Race* and Scott Malcomson's *One Drop of Blood.*

McWhorter's provocative contribution may not escape the "racial conservative" epithet and, with it, forfeiture of the "prominence, respect, and influence" the liberal-left enjoys when it looks in the mirrors of its favorite publications and conferences. But *Losing the Race* is rigorous and substantial enough to accelerate the long overdue transformation of our racial discourse. It's worth reading for the sheer courage and clarity of its impassioned plea to American blacks to stand up against what McWhorter calls deep currents or "cults" of "Victimology," "Separatism," and "Anti-Intellectualism" in American black (and too much white) discourse and behavior.

He likens the pervasive, unconscious, and therefore seldom-challenged grip of these three dispositions to "viruses" or even addictions. These are "due neither to [black] opportunism nor deliberate obstinacy, despite frequent claims to the contrary," but to "an externally imposed cultural disorder that has taken on a life of its own." That's intriguing, but sweeping, and while diagnosing a "virus" is better than blaming the victim, it doesn't always serve McWhorter's demand that blacks heal themselves more and blame whites less. Some of his research on matters far from his ken (such as events in New York) leans too heavily on one or two polemical accounts.

Occasionally, his rhetoric does get the best of good arguments: "The general sense that the black person operates according to different rules was eloquently demonstrated ... by the muted concern with the open sexism of the Million Man March—what group in America could any of us even imagine convening an all-male march in 1995 other than African-Americans?" Well, gee, two years later there was a huge, all-male Promise Keepers' rally on the same site, and most media coverage was respectful. Still, McWhorter has a point. Feminists were more vocal protesting the latter, and *The New York Times'* Frank Rich put himself into contortions to make the Promise Keepers' racially conciliatory revival seem more ominous than Farrakhan's loopy, sometimes sinister misleadership of so many decent, yearning black men.

If McWhorter's rueful examination of what can only be called black pathologies sometimes makes him sound "conservative" enough to dazzle the starboard side of the lecture and talk-show deck and enrage many on the left, I hope he'll resist any temptation to affiliate with whatever camp offers instant funding and applause. His voice is wholly his own, and it should make conservatives and Republicans uneasy: He challenges the Thernstroms' claim that we can forego affirmative action because, long before it, blacks were advancing fast enough to keep on gaining without the strong medicine of preferences, whose side effects are so subtly debilitating that we have quietly defined "deviancy" down in order to stop noticing those effects. Yes and no, says McWhorter: "Applied reasonably, affirmative action can be a badge of moral generosity and sophistication ... of which our country ought to be proud." But, he adds, "history marches on, and the country we live in is vastly different from the one in which affirmative action was established." And he wants to phase it out. I don't see him differing on this from Orlando Patterson, whom he cites approvingly (as he does Kennedy, incidentally.)

McWhorter also rejects Shelby Steele's emphasis on the manipulative, guilt-peddling uses of black "victim power." He argues instead that widespread black abstentions from transracial efforts are not conscious tactics or poses, and certainly not responses to insuperable racial barriers, but symptoms of "a subconscious psychological gangrene"

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that has outgrown the white racism that generated it. With well-framed arguments and harrowing stories, McWhorter depicts victimology, separatism, and anti-intellectualism commingling to hobble even relatively comfortable, non-confrontational young blacks who have great opportunities before them. It clearly breaks his heart to see so many default so casually, with untroubled smiles. His accounts of such routinized, subtle separatism aren't about Farrakhan & Co. but about more than a few black kids' little daily self-exemptions from standards they consider "white" but which are essential to social decency and vitality, let alone personal success. Such people adopt "white" manners pleasantly enough when they need to, but McWhorter peels away the veneer to expose a steel plate of resistance to any transracial civic culture or common destiny.

His point here is that it's not just Rep. Maxine Waters, the Rev. Al Sharpton, Derrick Bell, and lesser-known imitators who enjoy keeping the presumption of racism. Many more enjoy the same "ironic and addictive contentment in underdoggism," he claims. Waters, Sharpton, and Bell do speak for many blacks, he insists, not because racism is rising, as many blacks believe, but because the viruses of victimology, separatism, and anti-intellectualism have created a counter-reality within which they live and move. Mistrust feeds on every possible irritant, duping them into racial fatalism. And guilt-ridden white elites suborn and accommodate them, making their delusions all the more sustainable. McWhorter's portrait approaches Seneca's plaint: "We are too ill to bear our sicknesses or their cures."

But no one who indulges this fatalism escapes McWhorter's spirited, uproarious ire. He does blame blacks' "ideological sea of troubles" partly on whites who can't learn that "a person you excuse from any genuine challenge is a person you do not truly respect." He's mordantly frank about the consequences at Berkeley, where he arrived just when Proposition 209 abolished affirmative action, driving cocooned blacks and morally insecure whites into howls of outrage, prophecies of doom—and necessary, if wrenching, adjustments.

Those adjustments to reality can bring out the best in them, McWhorter believes, if only the rest of us stop coddling black students in order to reassure ourselves that we're not as racist as we so condescendingly but unconsciously are. "In my entire lifetime," he writes, clearing his throat for one of his best sallies, "I have never experienced anything more profoundly vexing than the thesis of William Bowen and Derek Bok's *The Shape of the River*, namely that affirmative action has been proven to be a good policy worthy of open-ended preservation because most of its beneficiaries are now happy with their lives and content with their jobs. Every smug, fawning review I read of this book was as irritating as an eyelash in my eye, and reading the book I had to pause several times to avoid throwing it across the room." There follows an indictment of what he considers the condescensions of Bowen and Bok (and of Ronald Dworkin and Nathan Glazer) more scorching than most others I've seen.

A person you excuse from any genuine challenge is a person you do not truly respect.

McWhorter doesn't deny his own quotidian encounters with racism, ranging from whites' ubiquitous, if subtle, wariness to outright abuses. When he was one of a very few blacks on a commuter train each morning, the seat next to him remained empty in an otherwise packed car. He's had unprovoked, insulting encounters with cops. Yet he insists that even systemic outrages such as police brutality and gratuitous racial profiling—and monstrosities such as the lynching of James Byrd in Jasper, Texas (which prompted swift convictions and an outpouring of local white contrition) and New York's Abner Louima case (which broke the blue wall of silence and sent the cop who'd tortured him to prison for 30 years)—are horrific precisely because they stand out against a backdrop of steady improvement whose breakthroughs are so unexpected they're often denied.

Here, too, he shows white liberals at their worst, projecting their own lack of respect for blacks onto working-class whites in biennial rituals of anti-racist outrage. He could say still more about editorial, political, and pedagogical elites' stunning indiffer-

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ence to whether the whites they blame for racist acts actually committed them or whether, if they did, they've thereby implicated everyone in Archie Bunkerland or Jasper, Texas. Every two years in this country, white-ethnic or "bubba" scapegoats are discovered and hounded by upscale media and activists, across months of high-intensity moral preening, for such ritual offenses as the fabricated rape of Tawana Brawley by white law-enforcement officers; the fabricated epidemic of arson against black churches by Klan-like racists; the fabricated regression to Plessy v. Ferguson by racist white voters after the abolition of special "black" congressional districts in the deep South (where, in reality, all five black incumbents who faced new, non-black majority electorates won with heavy white support); and the fabricated rise in brutality by white New York police officers (who've killed fewer than half as many people in all seven years of Rudolph Giuliani's mayoralty than in David Dinkins' four).

Thus does a white liberal "virus" enable black ones, and if my own experience is a guide, no argument McWhorter can make, no exhaustive revelation of white liberal myopia or black demagoguery, will stop *The New York Times* editorial page from rehabilitating a Rev. Al every two years, on schedule, to officiate at yet another blame-displacing ritual. They can't help themselves. It's an addiction that won't leave the upscale media until the addicts have retired.

So what hope is there in writing a book like his? The answer lies ultimately with young blacks, some of whom may read McWhorter only by flashlight under the bedcovers. Surely more of them are worthy of his high expectations than he acknowledges. He could have given more credit to countless older blacks eschewing victimology even when they can't overcome separation and who keep a dogged, if bruised, faith in much that McWhorter holds dear. It would be nice, too, if more whites would pay blacks the elementary compliment of holding them to standards they apply to their own children, standards far higher than those that need periodic rituals of contrition and blame-displacement to justify them.

Finally, if some conservatives have rushed in with condemnation where liberals fear to tread, they should be wary of trumpeting McWhorter's claim that virtually all blacks are infected by the three viruses. Any honest reader can supply experiences that corroborate McWhorter's account, but if racism is receding, as he insists, then surely, too, there are countless little daily acts of courage by blacks who shake the perversely comforting impulse to blame racism so incessantly that their anti-racism itself becomes delusional. That's the kind of bamboozlement Spike Lee has been probing, with mixed success, ever since *Do the Right Thing*. Some young blacks are ahead of him and ready to cheer what McWhorter is saying.

Our Odyssey

Parts of Thomas Sowell's memoir made me think I was reading McWhorter: "Faculty and students alike seemed content to *be* at a university, rather than being preoccupied with what they were supposed to accomplish there," he writes. "Everyone from the most naïve freshman to the most cynical dean seemed to be playing a role. The problem ... was not that they could not do the work but that they would not do it, unless they had to face exams where they could not fake it." This was Sowell's experience in 1963(!) at Washington, D.C.'s black flagship, Howard University, where he'd just begun teaching and where Lyndon Johnson would soon deliver his admonition to whites not to "take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line in a race and then say, 'You are free to compete with all the others,' and still believe that you have been completely fair."

Quite the contrary, insists Sowell in this personal but austere narrative of his odyssey. As a dirt-poor orphan from rural North Carolina who moved with an aunt to Harlem at age nine and fought his way through the public schools, night courses, and odd jobs into his 20s before becoming a Harvard- and University of Chicago-educated (and widely, if sometimes grudgingly, respected) economist. He's been a highly partisan conservative not only in his devotion to free-market nostrums but also in his newspaper columns. His long study of connection between economies and cultures has been derided by some as capitalist propaganda. Some of it is, but that doesn't make him a *racial* conservative.

Certainly, no one can accuse Sowell of denying racism, or indeed, of lacking black pride as he battled supine college deans, black and white, at several colleges to hold black students to high standards: "[I]t was not just a matter of their success or failure as individuals. These were *black* students and what they did or didn't do meant too much to others for me to let them flounder in their own immaturity and weaknesses. Behind many of these kids was some father driving a cab at night, after working all day, or some mother down on her knees scrubbing some

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white woman's floor, in order to send their children to college to try to make something out of them."

The difference between Sowell and McWhorter here is that the younger man teaches black students whose own parents were "affirmative-action babies" and whose substandard performance now has fewer of the excuses which Sowell was rejecting even when Johnson was invoking them 35 years ago. Sowell's tortuous personal path makes his straight-ahead, damn-the-torpedoes assaults on academic liberal racism credible; even when his summaries of his battles sound self-serving, he stays his course without moralizing or affectation. Reading these two books together has the odd effect of making both more compelling in their claim that a gratuitous racial defeatism has spread among blacks not least because it has been indulged by so much white hand-wringing and so little commitment to shared, high standards.

But if the euphemisms, denials, and their compensatory ritual psychodramas are to subside, more than the racial climate and the structural inequities some blame it on will have to change. To be sure, debilitating black separatism goes back a long way, and for good reason. But now that, as McWhorter and Sowell insist, blacks can shed such protections more readily than they think—and thereby help to make them even less necessary—a deeper, stronger virus grips the larger society. We're all a bit infected by a dubious sophistication that, beneath a veneer of corporate happy-talk, disdains embracing a common destiny. Racism isn't the only cause; so, too, are the rising expectations of force, fraud, and relentless degradation attendant on ever-more intrusive consumer marketing, which titillates antisocial instincts and atomizes "freedom" in "bread and circus" escapes.

That drains public life of citizens willing to sacrifice for a common destiny rather than show up only as delegates of their races, sects, neighborhoods, or professions. That cynical new ethos is inducing us more than ever "to privatize our pleasures and socialize our pains," as Robert Reich put it. "Why would I want to be integrated into a burning house?" asked James Baldwin long ago. A fragmenting civic culture can't nourish or vindicate those brave enough to leave the dubious succor of the racial and "other" camps into which others are fleeing.

That makes McWhorter's own brave stand a high-wire act. The barrier facing young blacks that he hopes to reveal isn't just white hostility but a larger vacuity, driven not by the left but by the quarterly bottom line and the marketing division. Even conservative culture warriors are discovering this. Neither they nor liberals have answered Baldwin's question. That's where the rest of us are needed, not to perform more rituals of racial hand-wringing and hand-washing, but to affirm—as countless blacks have done in big and little ways, against frightening odds—a transracial democratic culture and politics vibrant enough to challenge young Americans, not stupefy them.

Along the way, McWhorter and Sowell dare guilt-ridden whites and their black adherents to stand up against much of what they've been congratulating themselves for doing for about 20 years. If it still takes so-called "conservatives" to do that, I don't see why it makes them "racially conservative." Quite the contrary. The rest of us should listen to and learn what we can from them, before we label them. We might prepare one another that way to meet bigger challenges together.

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Graduating With Honors

The hits and misses of a protean president

BY NICHOLAS THOMPSON

WHEN BILL CLINTON TOOK THE oath of office in 1993, Serbian forces were running rampant in Bosnia. Villages were burning; men were being lined up behind their houses and shot. Civil war was spreading, but the new president was shackled by Colin Powell's doctrine that the United States should never enter battle without decisive force and clear objectives. So Clinton put his thumbs in his pockets and continued the dithering of the Bush administration for a year and a half until shame essentially forced the Dayton peace settlement.

Six years later, when Serbian forces cut loose in Kosovo, Clinton threw Powell's doctrine out the window. Obviously unclear about his goals, the president alienated Republican and Democratic traditionalists alike. The United States certainly didn't use decisive force, nor did we pursue a clear objective: Were we trying to force Milosevic from power, or just stop human-rights abuses? And what was going on with our relationship with the U.N.? Clinton limited his options by pledging at the outset not to commit ground troops. So he waged the battle exclusively from bombers 15,000 feet up, fully aware that no country had ever won a war that way. No matter. Genuflecting to public opinion while juggling new strategies worked. Milosevic threw down his cards, and the end game was a rout. The Serbian dictator has been forced out of power and, despite minor snafus, victory came without the sacrifice of a single American life.

Neither Bosnia nor Kosovo was the defining moment of the Man From Hope's eight years in the White House. But the essence of Clintonism can be found in the difference between his responses to the two crises. For eight years, whenever Clinton let himself become constrained by grand themes and conventional wisdom, he failed. When he stayed in motion and used his instincts like a political fox, he triumphed.

He abandoned large legislative ideas when his health-care plan imploded and Newt Gingrich took over Congress. He ditched the public investment plans he had campaigned on soon after being sworn in. He tried half-heartedly and unsuccessfully to come up with a big foreign policy idea, and instead produced a mish-mash that infuriates experts but works fine for everybody else. He sometimes argues that his presidency does have a central theme: stewarding the country from the industrial age to the information age. Then this brilliant communicator essentially discredits the very notion with each garbled explanation.

Still, by simultaneously pushing and pulling in hundreds of directions, and sticking by a series of evolving moderate themes, Bill Clinton has justifiably won enduring popularity. The country is far more prosperous, safer, and internationally strong than when he took office. He has failed frequently, sometimes succeeded through sheer dumb luck, and changed the culture of politics for the worse. But ultimately this protean and often-maddening president is a big factor in why we're so much better off today than we were eight years ago.

Running the Economy
Grade: A

Presidents don't run the economy. They don't drive delivery trucks or lay electronic switches in silicon. But they do have their hands on the various levers that push the economy forward. They send signals to business; they help set key economic indices; they determine much of our trade policies.

Running for office, Clinton vowed to concentrate "like a laser beam" on the economy. This was still

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the era when Japan seemed like the biggest bull in the barnyard, and Clinton's economic plan was modeled on their industrial policy: ramping up our investment in public infrastructure and taxing companies to set up worker training programs. As Clinton said during the final presidential debate, "My passion is to pass a jobs program."

Once in office, Clinton quickly tacked. He learned both that the economy was gaining steam and that the budget deficit was worse than anticipated—consequently, his top economic advisers argued that deficit reduction, which should reduce long-term interest rates, was the surest way out of the slump. Clinton listened carefully and decided that being right trumped being consistent with campaign rhetoric. So he rolled up his sleeves and started doing what he does best: molding a policy, brawling in the back rooms, and charming potential supporters.

When he stayed in motion and used his instincts like a political fox, he triumphed.

He navigated through a protracted battle within the administration and Congress, and wrote a budget that mixed deficit reduction with progressive policy and second-best compromises. He sharply reduced the deficit by lowering spending and raising the federal gasoline tax along with taxes on the affluent. He hiked up funding for the Earned Income Tax Credit, a reverse income tax that gives money back to poor people who work. He abandoned an energy tax, dear to Vice President Gore, which seemed like a last-minute deal killer.

Clinton's budget bill received absolutely no Republican support. It passed the House by two votes and squeaked through the Senate when an anguished Senator Bob Kerrey finally voted for the bill, relenting to hours of presidential arm-twisting, and Gore swooped in to cast the tie-breaking vote. That budget, the fruit of endless hours of presidential labor, probably remains Clinton's most important accomplishment. It set the economy on the right track and laid the groundwork for the coming prosperity.

Boom!

Immediately after the bill passed, long-term interest rates dropped. Clinton had not only taken a strong swing at the exploding deficit of the past 12 years, he had convinced the financial markets that he was going to work in concert with Greenspan. Traditionally, presidents and Fed chairmen have worked at cross-purposes—one foot down on the accelerator, one pumping the brakes. Clinton broke that destructive cycle with his political and personal skills. He invited Greenspan to sit between Tipper Gore and Hillary during his first State of the Union address. More important, he stuck firmly to Greenspan's specific deficit goals, passed on covertly by Treasury Secretary Lloyd Bentsen. The role of the Federal Reserve is to take away the punch bowl before the party gets out of hand, but Clinton made it clear that he was serving everyone ice water. So the chairman kept short-term interest rates virtually constant and the markets soared.

Clinton also pushed free-trade agreements through Congress by mustering a bipartisan coalition. With the help of a team of seasoned veterans, he steered the United States through the firestorms that menaced the world economy in 1997 and 1998. Clinton even courageously defied public opinion in offering Mexico a $40 billion loan when the peso crashed in 1995.

He also, through an act of cunning, stymied the Gingrich Congress' efforts to roll back taxes and revert to the trickle-down policies of the Reagan and Bush years. In his 1998 State of the Union address, he lyrically proclaimed that we should use surpluses to "save Social Security first." As Michael Waldman, then the president's chief speechwriter, writes in his recent book, *POTUS Speaks*: "The Democrats leapt to their feet, cheering. Gingrich paused for a discernible instant—then he, too, stood, applauding ... In that instant, a trillion dollars silently shifted on the budget ledger from the column marked 'tax cut' to the column marked 'Social Security.'"

Clinton's four-word phrase was misleading: No president or Congress can really lock revenues away from future politicians. In practical terms, Clinton had guaranteed that surplus money coming from the Social Security tax would pay down the debt. Clinton knew that the country needed increased savings, not tax cuts that could well push the needle of the fast-moving economy into the red. Once again, Clinton had outfoxed his opponents—almost certainly

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for the country's good.

Domestic Policy

Grade: B+

When Clinton ran for office, Democrats had lost five of the previous six presidential elections. Their policies were seen nationally as mushy or excessive: They favored welfare cheats and snail darters and opposed accountable schools and crime enforcement.

Clinton entered the country's spotlight as a New Democrat and during the '92 campaign he gained traction by disavowing old Democratic gospel, espousing positions ranging from the death penalty to requiring welfare recipients to work. Once elected, he moved left and stumbled trying to push a more traditional Democratic agenda. He was only saved, it seems, by the Republican takeover of Congress.

By Roman Genn

Like a jazz musician who can only play by ear, at his best, Clinton listened carefully and moved forward by snatching ideas from every side. On environmental protection, for example, Clinton seemed at a loss during his first two years as he worked to implement pent-up Democratic initiatives. He first tried to reform mining and grazing laws, but Western Senators chewed him up. Then they clobbered him for trying to elevate the EPA into a cabinet level agency. Defeated there, and punched out on his proposed energy tax, Clinton's first term passed with little success.

After the 1994 election, Clinton found his stride. He rhetorically batted down the Republican Congress for their sudden attempt to take hatchets to environmental law. He stopped every single one of Gingrich's major environmental reforms. Clinton then bypassed Congress, using executive orders in lieu of legislation, to push politically popular conservation initiatives, culminating last year with an order forestalling new roads in over 40 million acres of national forest.

Clinton, however, wasn't a demagogue or a strict partisan. His most important accomplishment was ending the public perception that there is a choice between environmental protection and economic growth. He broke the stalement between loggers and environmentalists over the spotted owl in the Pacific Northwest—a conflict about which George Bush had said "It's time to make people more important than owls"—by developing a plan that conserved sensitive land while offering job retraining and economic aid to logging communities. Instead of mandating that polluters strictly limit their nitrous oxide emissions, Clinton allowed them to set up a market-based trading system. Companies that were able to greatly reduce emissions were allowed to sell the right to pollute to less efficient competitors—a scheme that encourages innovation and ultimately makes conservation far more efficient, even if it does have unfortunate side effects for some communities. Clinton also tried to write such tradable permit schemes into the tabled Kyoto global warming treaty and introduced the possibility into the Clean Water Act.

He Got Game

Clinton came to office famously promising to "end welfare as we know it" and, in so doing, put the issue on the table. But his obsession with health care blocked him from moving on welfare early, and Republicans used the issue as a political wedge to help win Congress in 1994. Clinton was forced into reactive mode, responding to Newt Gingrich's proposed reforms. The president vetoed the first two. Despite including the agreed-upon premise that people on welfare should work, the Gingrich legislation was loaded down with poison pills such as removing the federal guarantee of Medicaid and slashing Supplemental Social Security Income benefits—a longstanding program of payments for the elderly and disabled poor.

The third Republican bill of 1995 included some punitive measures—most brutally revoking all welfare benefits for non-citizen immigrants—but Clinton defied most of his top advisers and signed it, promising to fix the immigrant provisions, as he later

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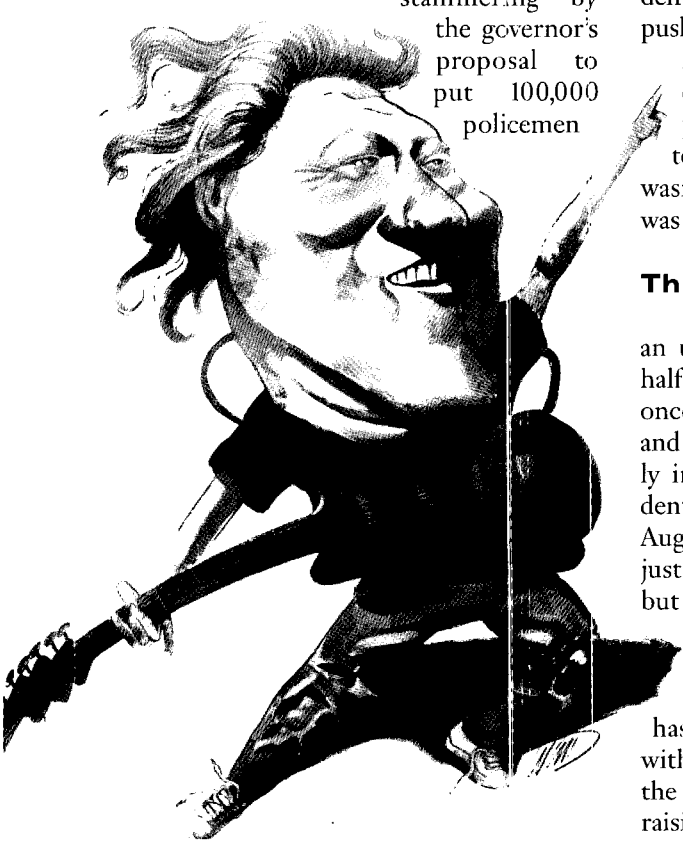
partially did. Largely as a result, welfare rolls have declined by more than 50 percent nationally. There might be serious problems when the next recession hits, and the bill has done little to help the great number of people who have led such troubled lives that they struggle to hold any sort of job. The reform though seems to have worked as well as its proponents boasted it would. There are hundreds of thousands of people who have benefited, and welfare reform has changed the political discussion of poverty in America. It's not a coincidence that this was the first presidential election in recent memory where one or the other candidate didn't use aid to the poor as a bogeyman, or use criticisms of poverty in inflammatory coded language for race.

Clinton employed the strategy of bouncing, co-opting, and sticking with modest ideas to earn success on other issues, most prominently crime and education. The Republican line on crime for decades has more or less been lock 'em down or string 'em up and the GOP consistently earned higher ratings from the public. George Bush had fried Michael Dukakis in 1988 with his Willie Horton ads that portrayed the Massachusetts governor as soft on crime. But Clinton was pro-death penalty and, in 1992, Bush was left stammering by the governor's proposal to put 100,000 policemen on the street using a new style of community policing. The only way the vice president could try to gain a toughness edge during the first debate was to declare that he "happen[ed] to think that we need stronger death penalties for those that kill police officers."



On education, Clinton also did a very good job of rubbing the belly of his inner politician. He pushed a few issues from the traditional left, like piling up money for university students through an alphabet soup of grant programs and tax credits. But his real success came from his own ideas and his ability to cut an original path through the teachers' unions on the far left and the education slashers on the right. Clinton helped charter schools move forward, improving school innovation in at least modest ways. He also created a program that grants loans directly from the Department of Education to college students, instead of routing them through politically powerful middlemen. Previously, loans were primarily granted by Sallie Mae, a tremendously profitable quasi-governmental organization, and backed up by the government. Sallie Mae, which was privatized in 1996, now has to compete with the Education Department, resulting in lower-interest loans and savings for students. Clinton was also the first Democrat to really push standards nationally, requiring them for all states receiving federal funding through Title I. Standards aren't the magic bullet for our education problems, but it's a pretty good indicator of Clinton's success that the presidential debate in 2000 wasn't over whether we should have standards—it was over how to make them tougher and fairer.

The Hillary Trap

Of course, Clinton's domestic policy has not been an unbroken string of successes. He initially and halfheartedly tried for campaign finance reform but, once stymied, decided to blow a hole in the system and cut every conceivable legal corner. He essentially invented soft-money ads during his 1996 presidential race and seemed to follow the prayer of St. Augustine: "Lord give me chastity and continency, just not now." The president talked about reform, but he reveled in thousand-dollar-a-plate fundraisers and spent more energy finding new loopholes than closing them.

Clinton's biggest problems have come when he hasn't given himself space to move. After flirting with Social Security reform, the president eschewed the small steps that could solidify the system: from raising the retirement age to means testing benefits

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to reducing and rationalizing cost-of-living adjustments. On health care, Clinton tried to pass an ambitious bill, but he gave the project to his wife and Ira Magaziner and they flamed out on the politics. They didn't listen to critics; they didn't scratch the backs of potential friends; and they scuttled potential coalitions. Afterwards, the president tried to play catch-up. He signed the Kennedy-Kassebaum Act allowing workers to keep health insurance after switching jobs, and he created the Children's Health Insurance Program. Although important, both bills fell short of what is needed. Since Clinton became president, the number of Americans without health insurance has climbed from 37 to 42 million.

When Clinton ran for office Democrats were seen as favoring welfare cheats and snail darters while opposing accountable schools and real crime enforcement.

Not coincidentally, the worst mistakes of the administration have come because of Clinton's inability to separate political reality from his relationship with Hillary. It's not that she was a fount of bad advice. But when Clinton dealt with her, he stopped listening to advisers and allowed Hillary's rigid instincts to wrestle his more flexible ones to the ground. This is what happened with health care. It's also what happened when *The Washington Post* asked Clinton to hand over all of the documents relating to Whitewater. According to both David Gergen and George Stephanopoulos, top Clinton advisers, the president wanted to hand everything over but insisted on first talking to Hillary.

She didn't want to do it. Hillary thought the attacks would continue indefinitely regardless and she didn't understand that stonewalling would only pour gasoline on the fire. Still feeling sheepish after the publication of long exposes of his infidelity in *The American Spectator* and *Los Angeles Times*, Clinton acquiesced and refused to give the documents over. The media were infuriated and started charging hard, forcing Clinton to appoint independent council Robert Fiske to investigate the matter. Fiske dove into the ultimately innocent nuances of Whitewater and continually expanded the probe, a trend continued in spades by his replacement, Ken Starr.

Four years later, confronted by the Monica Lewinsky story, Clinton again went into hunker-down mode, quite likely because of his fear of facing his wife with the truth about his abominable behavior. Breaking with the pattern that had brought him so much success, Clinton decided to stick with one tactic. In a sense he was pursuing the mirror image of the Powell doctrine, move as slowly as possibly and follow each provable accusation with an admission and nothing more. He parsed words and gradually retreated, like a hedgehog sticking up its spines and backing into the corner. The result was the greatest shame of his presidency.

Foreign Affairs

Grade: B

Clinton has never had the respect of the foreign policy elite. He campaigned for office, denigrating George Bush's fixation on foreign affairs and his first few months on the job were disastrous. American soldiers were murdered and dragged through the streets of Mogadishu; a ship bringing Americans to train a civilian police force was turned around at Haiti's port by menacing thugs; villages burned in Bosnia as Clinton thumbed through briefing papers.

For many, the first few months set the pattern for the administration. John McCain has said repeatedly that Clinton has followed a pattern of "strategic incoherence" that will come back to bite us. Richard Haass, director of foreign policy studies at the Brookings Institution, wrote in *Foreign Affairs* last May that Clinton's "foreign policy suffered from a lack of presidential interest, attention, and respect. It suffered, in short, from malign neglect."

It is true that Clinton never offered a sweeping vision. He never convinced the public that he knew where he was going to move his chess pieces, and there's no Clinton doctrine that high-school students can memorize off of note cards. He flummoxed his allies and, in large part because of his decision to skirt the draft during Vietnam, seemed to cower before anyone in uniform.

But, Clinton did have a set of notions, and he did

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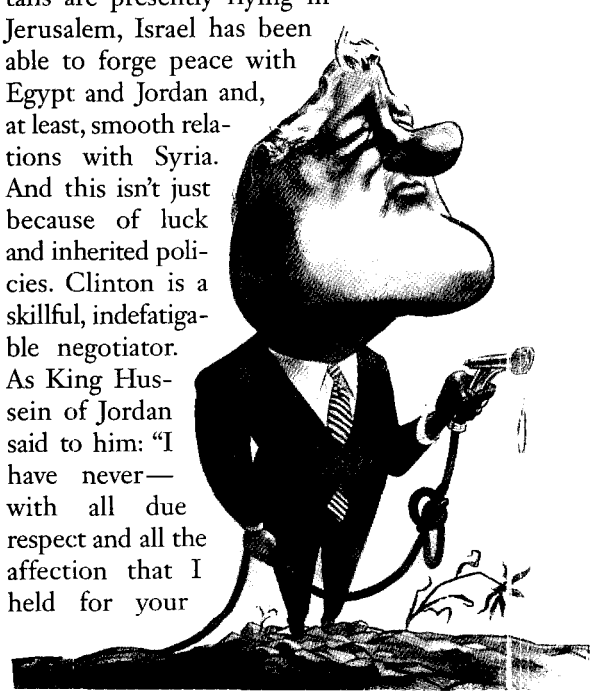
know how to push them through. He was consistent in his efforts to enlarge the community of market democracies and equalize the importance of international economics and policy. Previous presidents have been willing to pay almost any price to prop up anti-Communist leaders, from the brutal Duvaliers to the malevolent Mobutu; Clinton has been willing to do almost anything to open foreign markets and to bring peace. He fought tooth and nail for NAFTA and GATT and many lesser trade agreements.

Clinton also, as always, reacted well to unpredictability and, aggravating experts irked by successful amateurs, was able to dance his way out of every quagmire. Even with China, the bugbear of much of the Republican Congress, Clinton seems to have played his cards just about right. As China emerged as the greatest challenger to American hegemony, Clinton didn't take a uniform line. He pushed hard rhetorically on issues of human rights and intellectual property piracy. At the same time, he worked to integrate China's booming economy with ours and eventually was able to obtain a permanent normal trade relationship agreement. He also played tough by calling out war ships when China threatened Taiwan. Partly as a result, relations between Taiwan and the mainland have improved, our companies are flying into Beijing, and there are even signs of fledgling democracy in China's outer provinces.

There is also, in part due to Clinton, increased peace in Northern Ireland, and although Molotov cocktails are presently flying in Jerusalem, Israel has been able to forge peace with Egypt and Jordan and, at least, smooth relations with Syria. And this isn't just because of luck and inherited policies. Clinton is a skillful, indefatigable negotiator. As King Hussein of Jordan said to him: "I have never—with all due respect and all the affection that I held for your predecessors—have known someone with your dedication, clear headedness, focus, and determination to help resolve this issue in the best way possible."



Dealing with Washington and the Government

Grade: C+

When Bill Clinton debated George Bush and Ross Perot in 1992, he boasted endlessly about his accomplishments in Arkansas. After the governor ran on a bit too long, Perot noted that "I could say, you know, that I ran a small grocery store on the corner, therefore I extrapolate that into the fact that I can run Wal-Mart. That's not true."

That may have been Perot's most prescient line. Clinton came to Washington confident that he could handle the sprawling bureaucracy, and he quickly bumped his head. He appointed his buddy Mack McLarty as chief of staff despite McLarty's lack of federal experience. He devoted far too much energy to drafting a cabinet that looked like America and dawdled over choosing a White House staff. Not surprisingly, he soon lost control over the confrontation between the FBI and Branch Davidians at Waco, spun in circles over gays in the military, and with the firing of the White House travel office, set off a conservative hunt that ultimately ended up finding him innocent of malice but guilty of incompetence.

Clinton also struggled with his staff, bouncing between the advice given to him by senior aides and his young campaign team. At the same time, Clinton was frequently pushed into reactive mode—not unlike previous administrations, but with an unprecedented level of chaos. According to senior adviser Bill Curry, "most White Houses are floating ad-hocracies. This one just happened to be a bit more so than others."

Dollar Bill

Clinton has always loved to make policy more than to carry it out. He wanted to pass bills, he was terrific at partisan battles, and he seemed able to master the intricacies of every issue. According to Mike Cohen, a senior education adviser to Clinton for the past 15 years, "From the first time I met him, to the last time we talked in the White House, I have never failed to be impressed that he is the smartest person around on education policy."

Despite this, or perhaps because of it, Clinton's interest wasn't as deep as it should have been. He could make a great case for why Medicaid shouldn't

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be block-granted with welfare, but once a bill was passed and the press conference chairs had been folded up, Clinton seemed to move on to the next thing in his inbox. He did request weekly memos from cabinet members and was constantly looking for cabinet-level initiatives to wrap up in red ribbon. But he delegated the entire effort to reinvent government to Gore and disengaged from the issue so much that aides were often reluctant to even bother him with discussions of government reform. According to chief of staff Leon Panetta, the president didn't want to look at restructuring government because it "seemed in the past that it was a wasted effort."

Clinton paid almost no attention to the IRS until Senate hearings in 1997, even though it was revealed in 1993 that, in just one regional office, more than 350 employees had been investigated for snooping through the tax returns of friends, relatives, and celebrities. That wasn't enough for Clinton to act. It was only after the appalling, if exaggerated, stories of the men and women who testified at infamous 1997 hearings that Clinton decided to lock the barn door. The testimony had been politically motivated and a bit overblown, but no one could deny there was a serious problem. So the president crafted a reform bill that, as Al Gore said, would create "an IRS that is not just taken off people's backs but put on their side." But by trying to come out with a response as soon as the problem hit the newspapers, Clinton's reform was seriously flawed. It solved the public relations problem: The IRS no longer harasses people. But the agency has been forced to overcompensate and enforcement has bottomed out. Seizure of property to pay back taxes, for example, has declined 98 percent since the law was passed two years ago.

When *The New York Times* was about to publish a scathing report on the administration's failures at inspecting imported food, the president quickly cobbled together a measure to allow the FDA to ban food imports—making good press, if not good governance. When the National Academy of Sciences released a report saying that medical mistakes killed tens of thousands of patients annually, Clinton announced that he was shocked and prepared a defiant legislative response. Either he wasn't on top of a relatively well-known issue, or he was lying and should have acted well before the issue hit the front of *The Washington Post*.

The pattern also holds in ensuring that legislation is implemented effectively. Clinton's crime bill revolved around 100,000 cops being moved into local police forces. But the implementation effort was understaffed, and seven years after the bill passed, the Justice Department estimates that only about 60,000 policemen are actually on the streets. Numerous departments have received so-called police-equivalents, like laptops, a large part of the money is still to be doled out, and a 1999 Inspector General's report estimated that 40 percent of the grantees were using the money to supplant local funds. In a suburb of Chicago, an audit found that thousands of dollars in COPS money helped bankroll dog-track gambling and trips to Florida and Arizona.

In fairness, there will always be some problems stemming from the complexity of the federal government: Agencies will disintegrate, space ships will crash and contractors somewhere will screw something up. But a president has to minimize mistakes, and the way to do that isn't to run an administration that seems to stop at the White House.

Bill's Excellent Adventure

If there is a central theme to the career of Bill Clinton it's that he always wanted to have his cake and eat it too. He wanted to balance the budget without sacrificing core government programs; he wanted clean air without cutting corporations off at the knees; he wanted welfare recipients to take personal responsibility without ending up on the streets; he wanted free trade with China without having to give in on Taiwan and human rights. And to his great credit, Clinton has been smart enough, and shown a deep enough love of policy, to get what he wanted almost every time he allowed himself space to move.

The results have been magnificent. Since Clinton has come to office, we've gone from having the biggest budget deficits in history to having the biggest surpluses, and the boom is spreading fairly equally across society. We now have the lowest recorded African American and Hispanic poverty rates in history, the lowest percentage of Americans on welfare since 1965, and even indicators like teen pregnancy rates are dropping. We are experiencing the longest continuous crime drop in history. We have basically open and positive relationships with all of our potential major allies and antagonists. Clinton doesn't deserve all the credit, but he surely deserves some.

It's hard not to wish that Bill Clinton hadn't been so absorbed in himself that he was willing to act personally reckless, and that his love of the bright lights kept him out of the dark corners where so much government reform is needed. Even so, he got most of the big things right. It's only fair to grade him well now that the era of Bill Clinton is over.

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Memo *of the* Month

EXHIBIT 28

FedEx.
Federal Express

INTER-OFFICE MEMORANDUM

DATE: January 11, 1996

FROM: Ann S. Dickey

TO: Frederick W. Smith

cc: Kenneth R. Masterson
A. Doyle Cloud, Jr.

SUBJECT: Congressman Shuster Aircraft Request

Attached is a request for use of your Challenger to take House Transportation & Infrastructure Chairman Bud Shuster (R-PA) from Hershey, Pennsylvania, to San Diego, California, and back to Washington, DC. The trip would begin on Saturday, January 13, and conclude on Tuesday, January 16.

This trip would be very beneficial to us. In light of the new lobbying laws which took effect on January 1, the use of our aircraft is the only legitimate lobbying tool remaining.

We would greatly appreciate your approval of this request. If you have any questions or would like to discuss the matter further, please feel free to call me. Thank you for your consideration.

Ann S. Dickey

Ann S. Dickey
Managing Director
Government Affairs

dew
attachment

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Benched

The pros and cons of having judges make the law

BY PETER H. SCHUCK

IMPACT LITIGATION—LAWSUITS THAT seek to use the courts to effect widespread social changes—enjoys a very good press. Impact litigation is a weapon brandished primarily by groups on the political left, as in the cases against Big Tobacco and the gun manufacturers. But even conservatives applaud it when their groups are doing the suing, as in challenges to affirmative action programs or environmental regulations.

We need to understand why impact litigation has come to play so central a role in our public life, and also why Americans of all ideological stripes should be wary of it. Reformers, I believe, expect too much from impact litigation, and even its critics often aim at the wrong target. Like war, impact litigation is a continuation of politics by other means, and like war it sometimes accomplishes good things. In the end, however, two practical and closely related concerns provide the strongest grounds for skepticism. First, judges' tools and capacities are not equal to the task, and, second, their well-intentioned rulings tend to aggravate the problems they seek to solve and often create new ones.

Two icons of impact litigation are *Brown v. Board of Education*, the 1954 school desegregation decision, and *Roe v. Wade*, the controversial abortion rights decision. Both were carefully designed by advocacy groups to bring an important constitutional issue before the courts that the groups felt the politicians were ignoring or mishandling. Sometimes impact cases are brought as class actions (as in *Brown*), sometimes as individual claims with broad social ramifications (as in *Roe*). Most impact cases seek a judicial order mandating that the defendant do, or refrain from doing, certain things (an "injunction") and rely on the U.S. Constitution. Many, however, seek money damages and invoke state law—for example, challenges to exclusionary zoning and property-tax-based school finance systems.

What is Impact Litigation's Appeal?

The mother of all impact litigation, of course, was *Brown*. The NAACP lawyers, led by Thurgood Marshall, launched a long, carefully orchestrated campaign to gain a court order invalidating segregation in the public schools. The ruling's logic encompassed all forms of state-supported discrimination against racial minorities, not just schools. Subsequent decisions enforced this ruling in many ways—by limiting freedom-of-choice plans, by requiring busing, by equalizing expenditures, and so forth—and the political branches and the states fell into line. Many post-*Brown* impact cases—for example, those asserting the rights of women, gays, illegitimates, prisoners, the disabled, the mentally ill and retarded, and undocumented immigrant children—have been squarely based on it. Today, almost 50 years later, only a few hard-line conservatives are willing to say that *Brown* was wrongly decided. The decision is widely hailed as the Warren Court's greatest, most unexceptionable legacy to American social justice, and many aspiring causes have sought to wrap themselves in *Brown*'s mantle.

The appeal of impact litigation, however, goes well beyond *Brown*'s reflected glory. The often stirring social drama it presents lies not simply in the clash of lofty ideals, competing interests, warring parties, and jousting lawyers. Impact cases also enact cherished American myths that ordinary politics often seems to mock: the little guy against the big system, the right to a day in court, principle's triumph over expediency, the taming of corporate power, the disciplining of rogue or heartless bureaucracies, and the possibility of fundamental and structural social change.

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Courts, law firms, the American Bar Association, law schools, and the rest of the legal establishment tend to boost impact litigation. It not only generates more high-profile activity and fees for lawyers but also projects an idealized and idealistic image of the profession. Most people view representing the rights of minorities, the downtrodden, and the voiceless (if they are not criminal defendants) as more admirable than the more mundane, common activities of trolling for paying clients and litigating commercial disputes. Lawyers see impact litigation in much the same way athletes see the Olympics—a vivid showcase for their talents and proof of both their social importance and their selfless endeavors.

The mass media increasingly look to litigation for entertainment programming. Impact litigation meets that need while also being genuinely newsworthy. Skilled journalists can turn impact litigation into gripping theater, as exemplified by the many documentaries about *Brown* and civil rights, and by feature films like *Gideon's Trumpet* (on the right to counsel), *Dead Man Walking* (on death penalty litigation), *A Civil Action* (on environmental litigation), and *The Insider* (on tobacco litigation), along with a steady stream of newspaper and magazine articles. Leading foundations on both left and right fund impact cases, hoping to nourish social reform movements that are not yet politically ripe.

None of this could explain impact litigation's appeal unless it seemed effective, which it often does. I discuss many examples below. Indeed, impact litigation can achieve some goals even when the legal merits are weak. Consider the flurry of governmental lawsuits against gun manufacturers. To most legal experts these cases are non-starters; most judges will not even submit them to a jury because, among other things, the governmental plaintiffs, unlike shooting victims, have not suffered the kind of direct harm that courts require. These cases, however, are better understood less as solid legal claims than as political ploys—intended to spotlight issues and to embarrass and pressure the industry into adopting safer designs and marketing practices that the government either cannot or will not mandate itself.

In the gun litigation, this tactic has already borne some fruit. Smith & Wesson has agreed to a number of changes as the price of a settlement. This is a common goal and outcome of impact cases—about 95 percent of all civil cases settle before trial—and one likely result will be more safety locks. What might have led the company to surrender rather than litigate its strong legal position? Embarrassing documents might surface and the adverse publicity ginned up by public agencies and their allies could tarnish its image. It also wanted to minimize the high costs of a protracted litigation against a coalition of deep-pocket governments. The company doubtless thought that, as the first defector from the industry defense, the plaintiffs would reward Smith & Wesson with a relatively painless settlement, just as they did with the Brooke Group in the tobacco litigation. Moreover, Smith & Wesson probably hoped to use the plaintiffs as a cat's paw, as Brooke successfully did, to enrich itself and damage its industry rivals as they continued to litigate. (Interestingly, Smith & Wesson, having reaped few of the expected benefits, is now rethinking the deal that it made.)

The state governments' suits against tobacco show two things: Legal rules can hobble a case even when the facts seem compelling, and lawsuits need not prevail in order to be politically effective. Consider the tobacco litigation. Even though smoking can cause cancer and even though the industry may have misled regulators and smokers, those facts alone would not suffice to win the case. A government would also have to prove that, like smokers, it was a direct victim of this deception and suffered direct financial harm as a result—a particularly daunting task given that governments may actually have gained a net financial benefit from smoking due to their vast tax revenues from the sale of tobacco products and their reduced pension liabilities from premature smoking-related deaths. The legal claims of individual smoker-plaintiffs, who do not face these problems, are not much stronger. For decades, smokers lost all suits against the tobacco industry because juries penalized them for their choices to smoke, while the courts found the mandated cigarette warnings legally sufficient to put the onus back on the plaintiffs. These "free-will" defenses will probably grow stronger over time unless juries accept smokers' claims that the companies addicted them as minors. Smokers did manage to overcome these defenses in two recent cases in Florida and California, a rare event. These victories, however, may not stand up on appeal—especially in Florida where the smokers brought a class action, which most courts reject in such cases.

Even so, tobacco litigation documents have already succeeded in demonizing the industry, affecting its stock prices and future prospects, and transforming the political landscape. The gun litigation, targeting a much weaker industry, may ultimately do the same. Much of the public, not to mention public-health agencies, favors these outcomes, and it

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seems beside the point, even churlish, to note how weak the plaintiffs' legal positions are. Impact litigation of this kind seems to vindicate the ironist's axiom that nothing succeeds like failure.

So What's the Problem?

If even legally weak impact litigation helps to make powerful social actors more accountable, reinforces the rule and prestige of law, and produces both educational and entertainment value, what is the problem? Where one stands on this question depends to some extent on where one sits politically. The left tends to favor suits against cigarettes, guns, prison systems, and welfare agencies while the right rallies behind legal challenges to environmental regulation, mandatory school busing, and restrictions on school prayer and abortion. Sometimes even those who claim to oppose impact litigation on principle buy into it, as when conservatives support a balanced-budget amendment to the constitution that would move the most technical, highly-politicized fiscal issues into the courts.

Why should a conscientious citizen of any political persuasion worry about using the courts, as impact litigation aims to do, to make large-scale public policy? Begin with a low-visibility problem: the potential for lawyer-client conflicts of interest. Although an ethical lawyer must always subordinate her own interests, including using the case to advance her social or political agenda, to the client's narrow goal of securing a favorable outcome, the special incentives and dynamics of "cause lawyering" encourage such conflicts—over litigation strategy, settlement offers, fees, and other factors. This risk may be smaller in class actions because of the court's legal duty to supervise the conduct and fees of the lawyers representing the class. Even there, however, the risk remains because of judges' limited ability to monitor aggressive lawyers.

This concern helps to explain why the Supreme Court recently overturned several asbestos class-action settlements that trial judges had approved. Impact litigation on behalf of the mentally retarded engendered conflicts between the lawyers, who sought to close the hospitals and move patients to community facilities, and the desire of many families to keep their relatives institutionalized (albeit under better conditions). A different kind of conflict is occurring in the tobacco litigation, where state plaintiffs poised to collect billions of settlement dollars now must compete with smokers and their lawyers whose recoveries, which might include huge punitive damage awards, could bankrupt the manufacturers before the states can collect.

Two more fundamental critiques often heard in law school classrooms, courtrooms, and legislative chambers go to the legitimacy and institutional competence of judges to decide institutional reform cases.

Lawyers see impact litigation the way athletes see the Olympics.

The legitimacy critique notes that the United States. is organized constitutionally around separation of powers and majority rule. In such a polity lawmaking power must be lodged in representative and democratically accountable institutions. Thus the courts, being neither, may not legitimately exercise such lawmaking power and will erode their stock of legitimacy if they seek to do so. By contrast, the institutional competence critique argues that quite apart from any illegitimacy, the courts are poorly equipped to make law because of their training, access to information, the constraints of the adversary process, the limited efficacy of judicial remedies, and other inherent institutional attributes.

Judicial Legitimacy

Although the legitimacy critique lends itself to rhetorical flourish, it is far from clear what judicial legitimacy means. I define it as a sense that one is morally obliged to obey a judicial decision because it is law even if one strongly opposes it. A decision that fails to elicit this kind of moral response—or worse, elicits moral revulsion or rebellion—is illegitimate. One may treat a decision as legitimate out of ignorance, indifference, or habitual deference to authority, not just out of a considered moral duty. By the same token, viewing a decision as illegitimate does not necessarily spur one to any particular kind of action.

Consider *Roe v. Wade*, a notorious impact case that many thoughtful Americans denounce as illegit-

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imate and a small number even confront with violence. Even so, the vast majority, including many who oppose it as wrongly decided or bad public policy, still treat it as law and obey it accordingly. Is *Roe* an illegitimate decision? The answer seems to depend on how many people view it not merely as bad law but as usurpation (a distinction not made in public opinion surveys) and how willing they are to act on that conviction.

The distinction between interpreting law and making it is fuzzy.

The legitimacy critique also over simplifies the nature of our law and politics. As every law student knows, the distinction between interpreting law and making it is a fuzzy one, especially when (as in much impact litigation) the judge must interpret open-ended phrases like "equal protection" and "due process of law." American politics is a remarkably fluid mixture of principle, discretion, pragmatism, competition, and raw power. Legislators who wish to curb "runaway judges" have many levers that, for sound political or other reasons, they often decline to use. By the same token, judges who decide "political" questions (as they often cannot avoid doing in our system) must expect harsh criticism or even reprisals (within constitutional bounds) intended to hold them politically accountable.

The legitimacy critique is also replete with interesting but unintended ironies. First, public esteem for the courts has been remarkably stable (and relative to other government institutions, remarkably high) over a long period during which impact litigation came of age and judicial activism (another ill-defined but rhetorically robust notion) both waxed and waned. Changes in the kinds of cases that the courts hear and how they decide them seem to have little effect on perceived legitimacy.

A second irony is even more striking. The Supreme Court's most controversial decisions rested on constitutional arguments that many commentators rejected at the time, *Brown* included. In each case, friendly critics strongly warned the Court not to enter what Justice Felix Frankfurter (in one of these cases) called a "political thicket." He was referring to social reform issues disguised as lawsuits, and he thought that courts could not adjudicate such policy disputes and still preserve their legitimacy. Yet these very reform projects—school desegregation, control of police misconduct, legislative reapportionment, limitations of presidential prerogatives, abolition of school prayer, and regulation of abortion, to name just a few—have in fact burnished the Court's public prestige. For different reasons, these cases have helped the Court to prevail at the "bar of politics" (in the phrase of the great constitutional scholar Alexander Bickel), and its political success has buoyed the prestige of lower courts as well.

A final irony: the Court's secure stock of legitimacy from these earlier battles has encouraged attacks on it. Now that we possess the advantages of living in a society in which Jim Crow is dead, legislatures must reapportion themselves, police must warn suspects of their rights, religious groups cannot directly receive government subsidies, and abortions are widely available to women who do not wish to bear children, it is seductively easy to complain that the Court should have left these issues to the politicians, that it went too far, or that (as political scientist Gerald Rosenberg has argued) these important social gains would have occurred anyway had the courts not entered the fray. With these gains firmly entrenched—thanks in part to the Court—we can criticize it now for what it did then without any risk of losing the gains if we err in our counterfactual judgments. Because we can never know if we erred, we can never be refuted.

Institutional Competence

If the legitimacy critique is overblown, the institutional competence critique is insufficiently appreciated. Impact litigation maximizes the gap between a court's functional disabilities and the demands placed on its capacities. Although these disabilities are numerous, many of the most important can be reduced to three—information, incentives, and rights—which have bedeviled impact cases initially considered stunning victories for reform.

In our adversary system, a judge must base her decision almost exclusively on admissible evidence proffered by the lawyers and measured against the

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law. Her task is to resolve specific disputes, not solve social problems. The information she needs is usually quite limited in scope, historical in nature, of a familiar kind, and accessible through conventional evidence. Yet, most institutional reform cases seek to change social structures, practices, and values, that are created by a vast number of individuals interacting in intricate, opaque ways with incomplete information. Reforming an urban police department or school system is an exceedingly complex kind of problem in which a change in one relationship or factor will trigger hard-to-predict ripple effects elsewhere in the system, effects that judges cannot anticipate and usually lack authority to control. This is especially true where powerful contrary incentives motivate and constrain the institutions and individuals the court seeks to reform. Impact litigation to mandate low-income housing, for example, has foundered on market interests (not to mention bureaucratic and political ones) that neutralize and distort the courts' rulings and sometimes make shortages even worse.

A conscientious judge, working alone with only a generalist's training, must analyze problems like these in all of their technical detail, diagnose them, and fashion solutions that will be effective—not only here and now but over time, and in contexts quite different from the often atypical ones that the lawyers select for their test cases. The judge receives her information from partisan advocates and their hired experts. Within broad ethical limits, each side works to provide incomplete and one-sided (if not misleading) information, depicting both problems and solutions as far simpler than they really are. Unlike a legislature, a judge has very few tools for shaping the behavior of the numerous actors who must be induced to comply with her solution.

Indeed, a judge wields only two tools, both of them coercive: She can issue an injunction and then punish violators, and she can order wrongdoers to pay money. These tools, although ostensibly strong, are in reality pathetically weak; they affect only a narrow band on the broad spectrum of human motivation—and only the litigants at that. In contrast, legislatures and agencies can coerce everyone in society. More important, they can gain compliance through a variety of more flexible and positive inducements such as subsidies, bargaining, coalition building, information, public education, insurance, bureaucracies, and many more. The *Brown* decision alone produced little school desegregation until more than a decade later when Congress passed a statute providing federal agencies with a variety of fiscal and administrative sanctions to implement it. (Whether the desegregation that was ultimately achieved actually improved black children's education is a complex question that is hotly debated everywhere, including in black communities.)

Impact litigation seeks a judicial declaration of new legal rights. But although rights are among the most precious of human endowments, they are crude instruments for accomplishing most of what a complex society attempts to do collectively. A right is binary; one either has it or one doesn't. In contrast, sound social policy is a matter of finding the right point along a continuum; it is a matter of degree, of more or less, and of striking a nuanced balance. Once rights are recognized, they are difficult to change, whereas effective policy demands constant flexible adjustment in light of changing conditions. Rights are costly to define, defend, and challenge, yet policy needs to minimize the social costs of getting things done. Rights magnify the role of judges and lawyers but successful policy largely depends on non-legal institutions and competencies.

Under these conditions, one would expect judicial solutions to the kinds of problems that impact litigation takes on to be misconceived, impractical, or even perverse—and they often are. Consider *Brown*, the paradigm of successful impact litigation. Although desegregation has helped to achieve a more balanced racial mix in some school districts, in many communities, public schools—especially those in the largest cities outside the South—remain at least as racially segregated as they were before *Brown*, though no longer by force of law.

No wonder some leading civil rights figures like Derrick Bell and former congressman (now minister) Floyd Flake have concluded, sadly, that the great courtroom victory in *Brown* ill-served most black schoolchildren. Despite the Supreme Court's best efforts, it could neither understand nor control the complex social dynamics driving Americans' residential decisions and schooling choices. In a vicious cycle of frustration all too often unleashed by impact cases, a determined federal judge relied on *Brown* to order the Missouri legislature to enact a tax to support his decrees to reform the Kansas City school system. Two decades and $2 billion dollars of judicially mandated and supervised reforms later, the city's schools are an utter shambles—without accreditation, only 25 percent white, and draining scarce state funds from other needy districts. When the Supreme Court eventually reversed the unfortunate

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decision, it was too late; the damage had already been done.

Countless other examples could be cited, each with its unique and complex story and its surprising, often unhappy ending. Deinstitutionalization of the mentally ill, hailed by reformers as a triumph of enlightened judicial policy, has contributed to much homelessness, substance abuse, and menacing disorder in the public spaces in which ordinary citizens must often live. Decades after the landmark *Mount Laurel* and *Yonkers* decisions mandated affordable housing for the poor, the affected communities have built little of it. Common Cause's litigation effort to bolster campaign finance reform produced a Supreme Court decision, *Buckley v. Valeo*, that the group has been fighting ever since because it granted First Amendment protection to the very campaign expenditures Common Cause had hoped to restrict. Litigation to guarantee black representatives in Congress by drawing district lines helped to reduce the number of black members and fortified conservative control of surrounding districts. By many political scientists' accounts, court victories by civil rights groups demanding single-member (rather than at-large) districts in state and local assemblies have in fact reduced black voter influence in those assemblies. Successful litigation on behalf of undocumented aliens helped fuel a political and bureaucratic backlash that has produced a much harsher, unfair enforcement system.

Many experts now view the Warren Court's *Gault* decision, once celebrated as a victory by juvenile justice reformers, as misguided and itself in need of fundamental reform. Shortly after the litigation campaign against the death penalty succeeded, the states enacted new laws further entrenching it, so that litigators are now reduced to trying to delay executions in the hope that exculpatory DNA evidence will turn up or governors will issue pardons, both rare events. Conservative groups cheered when courts invalidated some forms of affirmative action in public universities, failing to anticipate that this would simply spawn new forms of preference, such as automatically admitting the top tier from all secondary schools in the state, that many conservatives may find even more objectionable because the new preferences will force the admission of more ill-prepared students.

Occasionally Good News

The story of impact litigation, of course, is by no means a uniformly bleak one. The civil rights revolution, a precondition for social justice, would not have occurred when it did without some judicial prodding and protection. School busing has worked better in smaller communities than in large metropolitan areas. The courts forced some prison and community mental health systems to be far more humane and eliminated their worst abuses. By most accounts (though not all), court-driven reapportionment has been a valuable and enduring reform. A structural challenge to the New York City foster care system produced worthwhile changes, and other cases have prompted desirable reforms in some other public services.

Even when impact litigation fails to gain its explicit ends through the courts, moreover, it can ease gridlock and invigorate social processes that produce desirable changes. Litigation against the tobacco industry, although unsuccessful in legal terms, unearthed documents that have galvanized anti-smoking efforts. Similarly, gun litigation has improved the prospects for sensible regulatory controls and new technological fixes. Death penalty litigation has focused public attention on previously obscure patterns of enforcement that profoundly trouble even capital punishment advocates; as a result, the public debate is taking a new turn. Impact litigators recently forced Swiss banks to restore funds to Holocaust survivors and their descendants. Judicial judgments against individuals who have committed atrocities have not yet produced compensation for the victims but have succeeded in making life much more difficult for the perpetrators, hopefully deterring future violations.

History Lessons

The history of impact litigation suggests some recurrent features. First, these and other examples suggest that impact litigation is likely to be most effective in seizing media and public attention at least momentarily, moving certain issues higher on the policy agenda, turning up evidence of abuses that policymakers have not pursued, and casting a lurid but revealing spotlight on corners of social life that the rest of us might otherwise ignore. Whether such litigation can frame workable, flexible, and politically sustainable remedies to complex problems, however, is far more doubtful.

Second, it is difficult to trace the actual effect of a case beyond the court decision (or settlement) itself. After all, the same forces that propel a case onto a court's docket also operate in other social domains where those forces might have produced the change anyway. (One can always say this, of course, but that does not mean it is necessarily wrong.) For impact litigation enthusiasts, it is enough that the case seemed

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to achieve its goal or even that one cannot prove the contrary, while skeptics can point to other possible causes and to unanticipated effects. In the case of *Brown*, for example, political scientist Gerald Rosenberg argues that evolving public attitudes, civil rights protests, economic growth, and other causal factors were already in motion, and that *Brown* in itself contributed little to the changes that ensued a decade later.

Indeed, impact litigation may undermine its successes by strengthening the hands of its opponents—another recurrent feature. Although *Roe v. Wade*'s survival seems secure for the time being, the decision clearly galvanized a conservative movement that ever since has stymied liberal reforms in many policy areas far beyond abortion. Even Justice Ruth Bader Ginsburg, perhaps the leading women's rights litigator at the time of *Roe*, now believes that *Roe* derailed the movement to liberalize abortion. By generating an immediate and powerful political backlash, *Roe* prompted more restrictive state laws, reversing a strong pre-*Roe* trend toward more liberal access to abortion. Congress responded to the judicial supervision of prison systems with a law limiting the continuing court supervision of those systems.

Although we cannot clearly delineate all the impacts of a complex litigation, numerous case studies establish that a decision's consequences will almost always differ both from what the plaintiffs originally sought and from what the court envisioned. The social and educational effects of *Brown* and its progeny are warning enough that impact litigation often produces unexpected and perverse results. This is especially likely in the institutional reform line of impact cases where a court's order is directed at, and must be implemented by, large bureaucracies such as school systems and police departments whose incentives and behaviors are opaque and whose operating routines are shaped by realities on the ground that are hard to grasp, much less change. An endemic feature of such cases is that a legal success here simply creates or aggravates problems over there, much as pushing against a pillow at one point causes it to puff out elsewhere.

A common and well-documented example is prison litigation. When courts order states to spend more to improve prison conditions—often with the connivance of the defendant prison officials who can use the lawsuit as leverage to pry more funds, staff, and authority from the state legislature—states usually allocate less to public schools, hospitals, or police, or must raise taxes that are already regressive.

More generally, impact litigation's fragmented first-come-first-served approach to resource allocation and policy effectively empowers unelected advocates and judges to set the public priorities that the citizenry elected officials to determine, and then to deflect criticism by saying that a disembodied law required this. In our political system, accountability is already elusive precisely because responsibility is so hard to locate. Impact litigation makes it that much easier for everyone—legislators, bureaucrats, judges, lawyers, and litigants—to disclaim it. The buck stops nowhere; impact litigation keeps it moving.

Finally, experience with impact litigation confirms the limited effectiveness of top-down legal rules in regulating complex social behavior. Much top-down law, of course, is unavoidable—criminal and tax law, for example. But reformers could often achieve their goals more effectively by relying more on other techniques such as decentralized rules (as in allocating scarce organs), rights trading (as in environmental protection), auctions (as in allocating valuable broadcast spectrum), moving public funds from providers to citizens (as with vouchers), self-regulation (as in Internet policy), and improved information (as with hospital malpractice).

These alternative forms, however, can only succeed if reformers repose less confidence in the problem-solving capacity of judges and more in that of elected politicians, bureaucrats, and the private sector—a confidence that many reformers think has not yet been earned. So long as impact litigation remains a valuable political resource—one that moves issues onto and up the public agenda, intimidates and even coopts opponents, unearths documents that gain media attention, and does all of this in the still-prestigious name of law—it will be part of the reformer's arsenal. For better and for worse, impact litigation has become an entrenched part of our rights-oriented, individualistic, legal-political culture.

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MILITARY BUDGET INCREASE

WASHINGTON -The Pentagon announced that it will need an additional $2.2 billion over the next five years for the national missile defense system under development

STUDENTS IN POORER SCHOOLS LEARN GEOGRAPHY FROM TEN-YEAR-OLD TEXTBOOKS

DENTAL INSURANCE FALLS SHORT

New studies show that 108 million Americans lack dental insurance, which is almost 21/2 times the number of Americans lacking medical insurance.

$288 BILLION FOR MILITARY

WASHINGTON -The Senate today approved a military spending bill of $287.8 billion for next year, an amount that is more than $5.1 billion more than requested by the Pentagon or the White House. The additional money goes mainly for military research contracts that are in states and Congressional districts of influential lawmakers.

Less than 7 percent of local dentists will accept Medicaid patients, the report said.

With Apologies to Jonathan Swift:

"A *Very* Modest Proposal"

$60 Billion Anti-Missile Project... Good Only for Making $$$

WHY NOT ALLOCATE HALF TO: *Various Military Contractors, Raytheon, General Dynamics, Honeywell, Boeing, et Al.*

Instruct these worthies to make nothing (zero), but pay the various engi neers, workers, suppliers, etc. to stay at home and to do nothing and to supply nothing? In this way, people are paid for doing nothing as though they were doing something.

No pollution, no extraction of ores from the earth, fewer vehicles clogging the roads and our lungs. Everybody is happy, and Uncle Sam saves $30,000,00.00 for diversion to sensible ends.

Everyone knows that these toys are useless except to make $$$.

DIVERT THE OTHER $30,000,000.00 TO: *Education, Children's Health, Mass Transit,Etc*

Mr. Swift, You are a Genius. Thank You!!

---Nicholas Stephen Poluhoff

NATION'S SCHOOLS: POOR FUNDING, POOR RESULTS

JAINSBOROUGH -The district met five of 27 standards on state report cards issued this year -- a showing educators blame on factors beyond their control, such as poverty and uneducated parents who are unable to help their children achieve.

RED SCARE IN STATE HEALTHCARE

ATLANTA --In Georgia, payment cutbacks from private insurance, Medicare and the Medicaid program for the poor have put dozens of hospitals in the red.

TO THE EDITOR: "We have not had a serious national debate to challenge assumptions behind military spending in this new post-cold-war era."

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The Princess

Why progress for women will require a dose of Machiavelli

By Suzannah Lessard

Susan Estrich's message is that the advance of women toward equality has leveled off well below true fairness, but that the gains achieved so far give us the power we need to "finish the job" if we will only use it. The numbers she amasses do indeed depict a stalled movement. Though women have been gaining entry to professional schools in numbers nearing equality for over a generation, those numbers are not reflected at the top, where they should be showing up by now. There are only three women who are CEOs of Fortune 500 companies, for example. There is only one woman among the 200 best paid CEOs in America. Only 15.7 percent of the partners in the 250 top law firms in the country are women, though that is a lot better than the 6.5 percent of medical school chairmen who are women, or the 6.8 percent of Hollywood movies that have a female director.

Under review...
SEX & POWER
by Susan Estrich
Riverhead Books, $24.95

As Estrich points out, these gross discrepancies can no longer be attributed to delays as women come through "the pipeline," therefore rectifying them is going to require action. Much of that action, she convincingly argues, will have to come from women themselves. "This is also about us," she writes. "We don't want it, or we don't want it enough to pay the price, push up the mountain, do what it takes." It's not that it's all our fault, but that the situation is more complex than a matter of men refusing to share power. That Estrich does not fear that she will undermine the cause by being honest about those complexities is what makes this book a timely, original, and truly useful contribution.

One of her major points is that we have to stop deploring ambition in women—the phenomenon in which progressive women recoil from Hillary, for example, because they feel she has made life decisions around career advancement. Estrich has made it to the top: She was the first female editor of the *Harvard Law Review* and the first female tenured professor of law at Harvard, a position she left because her husband needed to be in Los Angeles in order to pursue his career. She does not regret the decision, though there is some ruefulness in her treatment of it. Her career has hardly been obscure since then—which doesn't mean that she doesn't support women who decide differently.

One of the really complex cases that she discusses to illustrate this centers on a young Californian woman, Gina Occan, who came from a poor family, won a full scholarship to Harvard, and earned a 3.5 grade point average in her first year. Then she returned home for the summer and got pregnant by Tomasso, the handsome, motorcycle-riding son of rich local restaurateurs. She had the baby and planned to live with him and Tomasso in Cambridge. But the couple had a falling out. Tomasso sued successfully for custody of the boy on the grounds that the baby would be better off with him and his parents, who pledged to take care of him, than with Gina in Cambridge, where the baby would be spending long hours in daycare. So Gina went back to California, where she went on welfare and spent her time doing legal research to mount an appeal of the decision. During this time, she was featured several times on Susan Estrich's radio show, becoming something of a heroine and a martyr to female listeners.

Then some additional information surfaced—the University of Southern California had also offered Gina a full scholarship. When listeners learned that she could be going to USC, making it possible for her child to be near both parents, instead of struggling to get back to Harvard, they lost sympathy for her. In other words, in the minds of female listeners, Gina should have been willing to settle for something less than the very best for the sake of her family—that her insistence on going to Harvard somehow put her beyond the pale. Estrich asks, "Why shouldn't she strive for the very best even though she has a child?" She doesn't mean that we should all do that. She just means that we should support those of us who are ambitious in that way, rather than turning against them.

Suzannah Lessard, *a contributing editor of* The Washington Monthly, *is the author, most recently, of* The Architect of Desire: Beauty and Danger in the Stanford White Family.

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I found myself going through exactly the same reaction as the radio audience: My first take was essentially that of course Gina should have gone to USC, a response that had a lot of judgment attached, including the idea that the snobbish appeal of Harvard was what was prevailing here. Would I have felt the same if the protagonist were a man? Probably not. I think I would have been far more inclined to think it was natural for a man to want to go to Harvard so fervently. This hidden compliance on women's part, with the notion that ambition in women is a negative trait, is one of Estrich's principal targets and the Gina Occam case had me in the cross hairs.

On the other hand, Estrich is thorough in exposing the ways in which the system is rigged against women, especially in a competitive culture in which time out for family leaves women irrevocably behind. A grasp of the human dimensions at play brings a rich realism to the text: the middle-aged woman whose interviewer, a young man, asked her how she would feel about a company outing to Disney World, for example. (Her answer, that she would feel fine about it for she had taken her kids there several times, was the wrong one.) Nobody wants to hire their mother, is how Estrich puts it, but how many super-intelligent real-estate agents can we use? It just doesn't make sense for a society to bypass half its population when selecting its leaders. The manner in which she raises these questions without attempting to solve them is at first confusing, but cumulatively it adds to the humanistic roundness of the book.

But there is no shortage of suggested actions in *Sex & Power*. In fact, a recurring theme is that women now have the law behind them in many respects, and certainly a kind of cultural momentum that gives them a lot of power that they don't always utilize. Estrich asserts that when three women of even moderate rank join together to protest, say, the absence of women on the board of directors, or of slower raises and promotions for women, they're certain to get the attention of corporate leaders in these times. She is right about that. What hinders women, then, is not just company policy, or the inclination of men to appoint other men to their boards, but the reluctance of women to join together and speak out. She exhorts us to count, compare, and to be activists, and if we find ourselves as the only woman in a room of men, to set about getting another in immediately, turning to men of high rank who are likely to be sympathetic, if necessary. She estimates that two women of any rank together with a man of high rank can probably get anything they ask for.

Where sexual harassment is concerned she again brings a fine sense of life's complexity to the issue. She points out that a lot of men don't even know that their actions have an harassing effect. As an example she describes a student who sought advice with regard to a lawyer in the firm where she was serving as an intern, a firm that she planned to join after graduation. This male lawyer was too attentive, came too close to her physically, made jokes and sexual suggestions that were very discomfiting, and made it clear that he would like to pursue a romantic relationship. Estrich asked the student if she had told the man that she wanted a professional relationship with him and nothing more, and it turned out that she hadn't. "I found myself sympathizing with him," writes Estrich. The student wanted to know if she should she sue, complain to a senior partner, or simply leave, which is, of course, the essence of sexual harassment: It impedes success in the workplace. But Estrich advised, "Why don't you start by telling him you're not interested ... Before you charge a man with rape, scream rape. Before you surrender, try to leave. Before you complain of sexual harassment, tell him ... at the margin, in the generational vise, you can't blame a man for not knowing how you feel if you don't tell him."

She goes on to say that a man who assaults you with an ice pick will not be deterred by being told that you consider his actions to be rape, nor will a sadist who likes to torment the women who work for him be deterred by being told that his actions are harassing. "But most men don't set out to engage in sexual harassment; they set out to flirt, they think they're being funny, they think the way they are behaving is O.K. They would be terrified to know that you think they're violating the law. That is power that women never had before. You use it by telling them."

She also passes on Lt. Gen. Claudia Kennedy's advice after her experience in reporting earlier unwanted sexual advances on the part of Maj. Gen. Larry Smith after he was elevated to a post where he would be top overseer of sexual harassment cases. Gen. Kennedy urged women to complain promptly. Anita Hill may also lend the same advice.

She also acknowledges the difficulties, citing two mock juries at an ABA convention that heard the same sexual harassment case and came up with diametrically opposed conclusions, one finding no liability and the other imposing a judgment of millions of dollars. She furthermore tells the tale of a man who was accused of sexual harassment by a woman who was larger than he and with a known history of mental disturbance. Shouldn't that history be admitted in court? Estrich isn't scared of the contradictions and complexities in all this, and far from weakening this reader's sense of

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the justice of the women's movement, they invigorate it. This is because the ability to see these issues in the round lifts them out of a blinded, ideological zone. The movement is in itself just, and that reinforces a belief in justice—that we need not settle, that justice is complicated but real and must be pursued.

One of the most complex issues that she opens up has to do with ruthlessness and ambition. This returns to our acculturated belief that women have to be nice. One of her principal examples has to do with her experience in the radio business, and like the Gina Occam case, it gives one pause in one's ready opinions. At the time Estrich had a slot on a radio program in Los Angeles on Saturday mornings from 10 a.m. until 1 p.m. A man named Michael Jackson—not the singer—had a slot every weekday. He was very popular and was widely regarded as the dean of talk radio in Los Angeles. Though he had never had a permanent substitute, Estrich became one, once sitting in for him for three months when he had open heart surgery. Over time, his ratings began to sink, and after four years she was approached by management and, in confidence, offered Jackson's job. His contract was about to expire and they wanted a signed deal with Estrich, so that when he came to work on the day his contract was up they could tell him he had been replaced. "This is how it's done in radio. Who should they call to work out the details? What was my lawyer's name?"

Estrich wanted the job; in fact, she had assumed that one day it would be hers when Jackson retired. She wanted to bring in more female listeners and take on Rush Limbaugh. But she just couldn't go along with this strategy against someone with whom she had worked. She told her lawyer that she had to call Jackson, and he told her that if she did, Jackson would immediately accept whatever their last offer had been, forestalling the deal. Estrich called anyway, and Jackson's wife got on the line with them, and it was "a very emotional conversation. They thanked me over and over. I had saved him. What a wonderful person I was. What a girl."

Jackson did save himself, but his ratings kept dropping and new management brought in more and more right-wing hosts. Then one morning Estrich got a call from a reporter from the *Los Angeles Times* who told her that Jackson had just announced, on the radio, that he had been replaced in the daily slot but could now be heard on Saturdays and Sundays from 10 to 1pm. This was Estrich's slot, and this was the first she had heard of it. Management, in the meantime, had appointed a right-wing host to the daily slot that Estrich had originally been offered. "Getting power and holding on to it by the rules of today's workplace is not often, maybe not ever, a contest of niceness," writes Estrich, going on to say that if nice guys finish last it shouldn't be surprising if nice girls don't even get in the game. But it's the larger issue that really gives pause, as it did to Estrich: "When I was on the radio, so were more women—as guests, producers, and callers. There were very few women in prime-time radio, in Los Angeles or anywhere, then or now. I was not the only one who paid the price of my niceness to Michael Jackson; so did women who were looking for the sort of voice in the public world that I would have given them. If I'd thought about that at the time, I might well have made a different decision. I wish I had."

Getting power and holding on to it by the rules of today's workplace is not often, maybe not ever, a contest of niceness.

Again, the message is not that we have to become Machiavellian, but that we should think twice about decisions of this sort and understand these larger implications when we make them. And that opting on the side of niceness does not entitle us to be critical of women who do not. I know that this made me take a second look at a list of women whom I had judged as cut-throats and therefore outside the pale of civilized company.

This is a good book—humane, practical, and deeply reasonable. It exhorts us to take our fate into our own hands, reminding us of the unprecedented power that women now have, while still acknowledging the obstacles that face us. This is a woman who loves men and competes with them hard, loves women and no doubt competes with them hard, but also knows that they are her allies. Her voice is clear, yet nuanced. If your feminism has been snoozing, this will make it sit up. ●

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Shotgun Diplomacy

The dangers of letting the military control foreign policy

By Melvin Goodman

For the past two years, the U.S. Department of State has been warning tourists to avoid traveling to the Arab nation of Yemen. Sixteen tourists, including two Americans, were kidnapped there in 1998 by a terrorist group, and four were ultimately killed. After one of the kidnappers was executed, the terrorist group promised further attacks on Western citizens if they failed to leave Yemen. That same year, Yemeni authorities arrested six anti-Western extremists accused of planning to bomb Western targets in the country.

Aden, Yemen's largest city, has long been a known hub for terrorists in the region as well as a busy port for international arms sales, and the country had refused to join U.S. allies in the Persian Gulf War against Iraq. As a result, the State Department warned in travel advisories that the level of menace to U.S. citizens in Yemen was extremely high. Concern over terrorist attacks had also prompted the U.S. ambassador to Yemen, Barbara Bodine, to veto several planned military ship visits to the country.

Despite the State Department's well-founded concerns, now-retired Marine Gen. Anthony Zinni, serving as commander-in-chief for U.S. forces in the Persian Gulf, contracted with Yemen as a refueling stop for U.S. warships in an effort to "improve" relations with the country—a job usually left to civilian diplomats. We all know now how that effort turned out. On October 12, two men in a dinghy full of explosives rowed up to the USS Cole and blasted a 1,000-square-foot hole in the hull of the ship, killing 17 American sailors.

In one way, the tragedy wasn't terribly surprising. The United States, under President Bill Clinton, has allowed the Pentagon to dominate the decision-making process in American foreign policy nearly since the day he took office. The results have been unfortunate.

Prior to World War II, the military rarely influenced foreign and national security policy. The Cold War and the 1947 National Security Act changed all that, making the military an integral part of national security policy in peacetime and in war. Successive amendments and reforms enhanced the power of the chairman of the Joint Chiefs of Staff, with the Goldwater-Nichols Act of 1986 making the chairman the "principal military advisor to the president, the National Security Council, and the secretary of defense." The authority of commanders of forces in the field (the Commanders-in-Chief, or CinCs) was also strengthened.

The unintended consequences of the Goldwater-Nichols Act have included the weakening of civilian management of the military and the emergence of the uniformed military as the strongest policy voice in the national security community. The unprecedented statutory authority of the CinCs has given field commanders greater influence in the budget process, foreign policy formulation, and national security decision-making.

Much of the blame for this trend lies with President Clinton, whose relationship with the military has been tenuous from the very beginning. Coming to office with a record as a draft-dodger, Clinton immediately alienated the top brass by stating in a press conference that he would allow gays to openly serve in the military. The ensuing backlash, and Clinton's ultimate retreat, only increased the president's reluctance to challenge the authority and influence of the Pentagon.

Congress, moreover, has become an even stronger advocate of the Pentagon's interests. As a result, despite the decline in the strategic threat to the United States and the size of our military establishment, there has

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been a substantial and unfortunate growth in the military's influence over national security policy. The results have been deadly international incidents like the bombing of the USS Cole.

From The Barrel of a Gun

Last year, the United States joined hands with some of the world's rogue states—Algeria, China, Libya, Iran, Iraq, and Sudan—to vote against creating the International Criminal Court (ICC) that would bring the world's worst human-rights violators to justice. Every member state of the European Union favors the ICC. Initially Clinton did too, after the administration's successful involvement in war-crimes tribunals in Rwanda and the former Yugoslavia. But the Pentagon resisted exposing U.S. soldiers to international justice, claiming that the court would allow other countries with political motivations to prosecute U.S. military personnel. The Pentagon's interpretation of the ICC charter was misguided; nonetheless, its opposition drove U.S. policy, and the Clinton Administration ended up opposing the ICC.

Even as it pushes the United States into a lonely corner away from the international community, the military is still successfully lobbying for new toys.

The debate over the ICC isn't the only place where the interests of the uniformed military have pushed the United States to oppose its allies and support dubious policies. Take the campaign to ban land mines. The Pentagon opposes the international effort because of its deployment of mines near the border between North and South Korea. Antipersonnel mines, unable to tell the difference between a combatant and a child, have created havoc in such disparate places as Cambodia, Angola, Afghanistan, El Salvador, Bosnia, and Mozambique. But the cincs have made land mines a readiness issue and will not budge. Not even the inauguration of a tentative peace between the two Koreas and the beginning of summit diplomacy between the United States and North Korea has led to new thinking at the Pentagon.

One particularly low point for the Clinton administration took place last year, when the United States voted against U.N. efforts to ban using soldiers under the age of 18. Nearly 200 nations voted in favor of the ban. Only Somalia, which for all practical purposes has no government, joined the U.S. in casting an opposing vote. The Pentagon's opposition was particularly irrational in view of the fact that fewer than 3,000 Americans in uniform are under the age of 18, which is why Clinton finally reversed our policy in July after six years.

The White House also badly mishandled the Senate's vote on the comprehensive nuclear test ban treaty, which marked the first congressional rejection of a significant international agreement since the Treaty of Versailles established the League of Nations 80 years ago. The Pentagon has fought restraints on arms testing for the past four decades but, until now, U.S. civilian agencies had prevailed. Moreover, the Senate opposed the treaty in large part because members believed that we simply could not monitor international weapons programs. That view grew out of our failure to predict nuclear testing in India in 1998—an embarrassment caused by the Pentagon assigning a low priority to South Asia as a region and to arms control as an objective.

The power of the military has also contributed to Saddam Hussein's efforts to rebuild his arsenal. In a concession to the Pentagon and the CIA, the Clinton administration permitted clandestine operatives to infiltrate the monitoring mission in Iraq under UNSCOM, which was responsible for more destruction of strategic weaponry in Iraq than all of the bombing of Iraqi targets over the past ten years. The CIA's covert and ill-advised use of the international monitoring mission gave Hussein the opportunity to expel the U.N. task force. As a result, there has been no monitoring of Hussein's strategic activities for the past two years while he has continued to build his power base.

Star Wars: The Sequel

Meanwhile, as the military pushes the United States into a lonely corner away from the community of nations, it is still successfully lobbying for new toys. Despite the absence of a strategic threat and repeated test failures, the United States is moving to deploy a national ballistic missile defense (NMD)—

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a new name for Ronald Reagan's Star Wars initiative. President Clinton may have deferred a final decision on the missile defense system, but the president-elect is committed to strategic defense. Deploying Star Wars would mean the destruction of the Antiballistic Missile Treaty, the cornerstone of U.S. deterrence for the past 30 years; the probable alienation of Russia and China from the arms control process; and the opposition of our NATO allies.

The ballistic missile system and the Senate's rejection of the nuclear test ban treaty will lead to the destabilization of American national security policy and unnecessary increases in American defense spending. White House and Pentagon lawyers have offered a strained new interpretation of the ABM treaty, which they claim would allow a national missile defense without violating the treaty, but almost no objective observers agree.

Deployment of Star Wars and the abrogation of the ABM treaty would mark a net decrease in U.S. security. First, as recent tests indicate, the system is not workable. It has been unable to distinguish between real and fake targets. Since the ballistic missile system can never be tested in battlefield conditions, its shortcomings will not become apparent until it is too late. Second, it will likely be vulnerable to unsophisticated counter-measures. It can be underflown by short-range ballistic and cruise missiles, and it cannot protect against "submunitions" designed to disperse chemical and biological agents. Third, it will lead such states as Russia and China to return to strategic offensive programs and resort to unstable command and control procedures as a counter to our strategic defense. Finally, NMD at any level will undercut U.S. efforts to counter the proliferation of strategic weapons and to pursue disarmament, thus jeopardizing strategic stability over the long term.

It is particularly worrisome that the CIA has provided a rationale for deploying a missile-defense system without incorporating new intelligence data. Until last year, CIA intelligence estimates anticipated no new strategic challenges to the United States before the year 2015. An independent expert panel headed by former CIA director Robert Gates reaffirmed the soundness of the CIA analysis. However, in 1999, the CIA suddenly adopted a worst-case approach and emphasized what "could" happen in North Korea, Iran, and Iraq over the next five to 10 years. In a heartening show of independence, the State Department strongly dissented from CIA's position, arguing that the agency's worst-case view gave "more credence than is warranted to developments that may prove implausible."

But the new Star Wars system isn't the only boondoggle for the Pentagon. The U.S. military currently spends more on defense than all of its NATO allies combined. Nevertheless, the Joint Chiefs of Staff already are targeting the next president for spending increases that could amount to more than $30 billion a year for most of the next decade. This is an unprecedented peacetime demand by the Pentagon, requiring an increase in the defense budget that would exceed the budget of the entire intelligence community and is over 10 times greater than the budget of the State Department. The Pentagon complains that military spending is currently about 35 percent lower in real terms than during the peak years of spending in 1985 and 1986. But defense spending must be measured against the efforts of potential adversaries and allies, and not even the Pentagon can describe a threat that justifies huge increases in defense spending.

Although defense spending will increase by nearly $20 billion this year and an additional $11 billion next year, the overall budget for diplomatic operations has declined. The State Department budget ($2.3 billion) is smaller than the budget for the CIA ($3 billion). The operational budget for all diplomatic activity (which includes assessments to international organizations, disaster relief, and food aid) is far smaller ($17 billion) than the budget for the intelligence community ($30 billion). And because diplomatic activity is not considered part of the national security budget, diplomacy must compete with such agencies as the Commerce and Justice to gain additional funds. All domestic departments are facing downward spending trends and such congressional stalwarts as Rep. John Kasich (R-Ohio) have targeted the diplomatic account for continued cutbacks.

At Home Abroad

The spending problem at the State Department is so bad that a form of "Sovietization" is taking place in Foggy Bottom. The State Department is lacking foreign service officers for more than 300 overseas positions and, since the CIA is overfunded and overstaffed, it has begun filling these overseas positions, moving intelligence officers into State Department slots. Similarly, there are more military attachés than political officers in our embassy in Moscow. When the former Soviet Union faced a similar budget problem in the late 1970s and 1980s, the KGB began to assign its personnel to fill foreign ministry slots over-

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seas. Mikhail Gorbachev moved smartly in 1985 to correct this situation, but the Clinton administration and the Office of Management and Budget have done nothing to reverse this trend. Neither has Congress.

On May 7, 1999, a U.S. B-2 Stealth bomber skimmed over Yugoslavia and dropped three bombs on a building in downtown Belgrade. The direct hit killed three people and wounded 20 others. The bombing might have been a victory for NATO if the building had actually turned out to be the Yugoslav arms agency headquarters the Stealth pilots thought they were blowing up. Instead, though, NATO leaders later learned that the so-called arms agency was in fact, the Chinese embassy. It was a diplomatic crisis of international proportions, even eclipsing the U.S. bombing of the Shifa pharmaceutical factory in Khartoum—which the Clinton administration had originally claimed was being used by terrorist Osama Bin Laden.

The bombing of the Chinese embassy can be attributed to the faulty work of the National Imagery and Mapping Agency (NIMA), a combat-support intelligence agency that absorbed the CIA's independent imagery analysis several years ago. Breakdown in communication between the Pentagon and the CIA also contributed to the target mix-up. The Pentagon had virtually exhausted all strategic targets in Serbia and turned to the CIA for additional operational missions, a task for which the agency is not suited. The bombing of the pharmaceutical plant was due to inadequate collection and insufficient vetting measures at the CIA.

The CIA director is supposed to be the resource manager for the National Foreign Intelligence Program (NFIP), but most of the NFIP budget is spent by agencies that are part of Defense. The Defense Department manages the National Security Agency, which is responsible for electronic eavesdropping; the National Reconnaissance Office, which coordinates the management of surveillance satellites; the Defense Intelligence Agency, which conducts military intelligence analysis; and NIMA, which is now responsible for analysis of all satellite photography. Former deputy secretary of defense and former director of central intelligence John Deutch, who is now under investigation at the Justice Department, was primarily responsible for politicizing and realigning imagery resources.

Thus, the United States is now dependent on the Defense Department for the analysis of satellite imagery, which is instrumental in decision-making regarding weapons procurement and the deployment of force. It was to avoid such a monopoly that President Harry Truman created a central intelligence agency outside of the policy process in the first place.

Military Menace

Since the end of the Cold War, many of America's closest allies have complained about the rise of American unilateralism, particularly the tendency for Washington to make decisions without regard to the interests of its allies or the rest of the world. America's partners have been offended by the restrictions that the United States has tried to apply to trade with Cuba and Iran, often in violation of international law. The United States has not funded its fair share of the budgets of the United Nations, the International Monetary Fund, and the World Bank. And the U.S. acted alone in denying Boutros Boutros-Ghali a second term as U.N. Secretary General.

The charge of unilateralism goes deeper, however. The allies have become particularly concerned with the increased influence of the military in the making of

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foreign policy. The military's open disdain and hostility toward the president in Clinton's first term was particularly reprehensible. But the long-term trend is even more worrisome with the increased politicization of the military's officer corps and the loss of self-restraint among retired general officers who openly identify and participate on the side of one political party. Again, it appears that one of the unintended consequences of Goldwater-Nichols legislation in 1986 was to reduce civilian influence in the office of the secretary of defense and give the Joint Chiefs too much influence over its civilian advisors.

The war in Kosovo led to allied criticism of U.S. actions and a European decision to create its own rapid reaction force to deal with military intervention on the continent. France and Germany took major exception to America's strategic bombing in Serbia, particularly the attacks on the bridges across the Danube River and Serbia's economic infrastructure. The British general in charge of NATO forces in Kosovo actually disobeyed an order from NATO's supreme commander, who unwisely wanted to evict Russian troops from their surprise takeover of the main airfield in Kosovo. As a result of these differences, our closest NATO and European allies are trying to tighten America's national security leash.

Who's Who

By Susan Threadgill

Although "witty" is probably not the first adjective you would apply to **Al Gore**, he does have a sense of humor. It was in evidence at the **Al Smith** Memorial Dinner in New York in October:

"And you know I want to acknowledge FEMA Director **James Lee Witt** who accompanied me here tonight. We travel everywhere together.

"I did think it was effective when I weaved in the real people in the audience and their everyday challenges. Like the woman here tonight whose husband is about to lose his job. She's struggling to get out of public housing and get a job of her own. **Hillary Clinton**, I want to fight for you."

No wonder **George W. Bush** advocates a tax cut. He and his wife **Laura** had an income of $1,610,400 last year. But, actually, that was nothing compared to what the couple raked in during the previous year—a tidy $18,405,524, most of which resulted from the sale of the governor's share in the Texas Rangers for which you may recall he originally paid just $600,000.

Speaking of **Hillary**, her election to the Senate is bad news for the other senator from New York, **Chuck Schumer**. He has an even greater thirst for the limelight than the average politician, yet he seems doomed to play his role in the shadow of a star. First **Daniel Patrick Moynihan** and now Mrs. Clinton.

In our list of Deep Throat suspects identified by **Leonard Garment**, we neglected to mention **Robert Bennett**, the senator from Utah. We have a soft spot for Bennett because, unlike most of his colleagues who prefer their cars to be big and fancy gas-guzzlers, he drives a small gas and electric Honda Infiniti that gets 70 mpg. But back to Garment's Deep Throat possibilities. Bennett ran a CIA front called Mullen and Co. where he employed **Howard Hunt**. At **Chuck Colson**'s request, Bennett let Hunt work part-time at the White House. Bennett has admitted that he knew about the break-in in advance, that he was aware of the later cover-ups, and that he was a source for **Bob Woodward**. Indeed, he reported to his CIA case officers: "Bob Woodward of *The Washington Post* interviewed me at great length and on ... numerous occasions. I have told Woodward everything I know about the Watergate case, except the Mullen Company's ties to the CIA." One test of Deep Throat's identity is who has the most to lose by having his name revealed. Bennett, as a conservative Republican senator seems to meet that test better than any of the other suspects.

Judge **David Sentelle** is the winner of *Washingtonian* columnist **Chuck Conconi**'s Turkey 2000 award. The citation: "He was the person who insisted that an experienced Whitewater prosecutor, **Robert Fiske**, be replaced by **Kenneth Starr**, a Republican attorney with no prosecutorial experience. Six years and no significant indictments later, Sentelle bears most of the blame for fleecing the public out of $60 million and turning something that wasn't much into a never-ending national embarrassment."

We continue to be amazed that the media has taken so little interest in a fact often noted in these pages: **Lauch Faircloth**, one of the senators who reportedly urged Sentelle to replace Fiske, rewarded Sentelle's wife with a job in the Senator's office.

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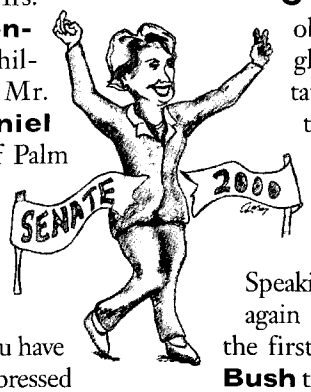
To get out of this mess, Clinton's successor should rewrite the rules of the policy process in order to enhance the State Department's diplomatic role, restore the integrity and independence of the CIA's analysis, and limit the Pentagon's influence over national security policy. We must reverse the process that has made the United States militarily expansionist and diplomatically isolationist. The Pentagon does not have the personnel or the treasury to maintain the operational tempo of the past 10 years. Nor is it in our national interest to have it do so.

Diplomatic solutions to major problems elude us when we resort too quickly to use of military instruments. Ten years after Desert Storm, we are still regularly bombing Iraqi targets and providing assistance to a pathetic Iraqi opposition group based in London. More recently, the Clinton administration endorsed $1.3 billion in assistance—nearly all military aid—for Columbia, intervening in that nation's civil war and making it the third-largest recipient of U.S. military aid. The promise of a green light for ballistic missiles and a red light for the nuclear test ban treaty points to another arms race in the near future. The U.S. is demonstrating that if the only tool in the toolbox is a hammer, then all of our problems will soon look like nails.

The Republicans raised the most money for this year's campaign but the champion individual donors are Democrats. Their names—potential Democratic candidates of the future, have your pencils in hand—are Mr. and Mrs. **Peter Buttenwieser** of Philadelphia and Mr. and Mrs. **Daniel Abraham** of Palm Beach.



You may have been appalled by **Al Gore**'s campaign but you have to have been impressed by his last minute surge. Who gets the credit? Certainly not his terminally confused big-time message crafters. Instead, it belongs to **Michael Whouley**, the man who was in charge of getting out the vote on election day and who won a popular vote victory that all but one of the pollsters had failed to predict. Whouley it turns out was also the first one to realize that the networks might have been wrong when they called Florida for Bush. He's the one who paged Gore as the vice president sped to the War Memorial Plaza in Nashville to deliver his concession speech and told him the race wasn't over yet.

We have one of our own awards to announce. It will go to the Most Biased Television Commentator, selected by our readers. Early nominees are CNBC's **Chris Matthews** and Fox's **Bill O'Reilly**, although some observers contend that singling out one Fox commentator for bias is sure to arouse the ire of his many colleagues who would feel equally deserving of the honor.

Speaking of Fox, its objectivity was again demonstrated by its being the first to declare **George W. Bush** the winner on election night. This was without a prediction from the Voters News Service, but it triggered the succeeding Bush victory declarations by the other networks. The decision at Fox was made by **John Ellis**, who, as many of you know, just happens to be **W.**'s cousin.

Who's hot at the think tanks? According to **Nicholas Ruble** of *The International Economy*, the think tank economist most often asked to testify by congressional committees is **Alice Rivlin** of the Brookings Institution, formerly of OMB and the Federal Reserve. The economists most quoted by the American press are **Robert Litan** of Brookings, **Fred Bergsten** of the Institute for International Economics, and **Robert Reischauer** formerly director of the Congressional Budget Office now head of the Urban Institute. One curiosity is that last year Alice Rivlin was quoted 24 times each by *The Washington Post* and *The Wall Street Journal*, but totally ignored by *The New York Times*.

George W. Bush might have thought education was his first priority, but when **Robin Toner** and **Lizette Alvarez** of *The New York Times* asked **Tom DeLay** what will be the Republican agenda in Congress, his reply was tax cuts, more money for the military, and new restrictions on abortion.

If, like **Strom Thurmond** (see our November issue), you admire **Nicole Seligman**'s defense of **Bill Clinton** during the impeachment trial in the Senate, and if you are among the many of us who are in awe of trust-buster **Joel Klein**'s victory over the million-dollar barristers arrayed against him on behalf of Microsoft, you will be delighted at the news that the two got married last month.

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Political Booknotes

Bush League

By David Plotz

THERE IS NO SPECIES OF JOURnalist more cynical, more sour, more ungrateful than the sportswriter. They're surly nostalgists, constantly comparing these dismal days to the era when—oh, choose your old-timer—Elgin Baylor took it to the hole or Joltin' Joe roamed the outfield or blah, blah, blah. And can you believe how much a beer costs at the ballpark now?

THE LAST AMATEURS: Playing for Glory and Honor in Division I Basketball's Least-Known League
by John Feinstein
Little, Brown & Co. $24.95

Even more indignant than the average sports scribe (they're always called "scribes"—why?) is the college sportswriter. He seethes at how corrupt his sweet game has become, how stupid and venal these "student-athletes" are, how dismal it is to interview them. He constantly asks himself: Why can't they all be like Princeton?

John Feinstein, perhaps the most celebrated American sports writer, is not quite as sulphurous but even more romantic than his colleagues. *The Last Amateurs: Playing for Honor and Glory in Division I Basketball's Least-Known League* is his latest quest for purity. *The Last Amateurs* takes him to the Patriot League, not simply "the least-known" but also perhaps the worst division in major college basketball. Its seven schools—Army, Navy, Colgate, Holy Cross, Bucknell, Lafayette, and Lehigh—demand real academic performance from athletes, and (mostly) don't grant athletic scholarships. They also draw tiny crowds and play unrelentingly mediocre basketball.

Feinstein spent the 1999-2000 season observing the league, from opening practices to the champion's inevitable loss to a real college basketball team in the first round of the NCAA tournament. Feinstein guides us through the league, kid by kid, coach by coach. There is a sameness to the stories: Every player is a fine student. A few have talent, but most are gutsy, compensating with hustle. The coaches ooze decency and wisdom. Several have sacrificed big-time college jobs for the chance to coach genuine students who care more about their grades than their pro careers. Each player has the utmost respect for every other player. They play hard, but fair. They play for glory, not shoes or contracts. And a golden haze surrounds them all. This, Feinstein suggests, is what college sports should be, but isn't.

There's no real drama in *The Last Amateurs*. We know from the opening chapter how the season will end. And it's confusing and repetitious. Feinstein's *Season on the Brink* triumphed because he focused obsessively on Indiana University coach Bobby Knight. Here he tracks dozens of players and coaches, with less success. It's almost impossible to remember who's who. I challenge any reader to tell me the difference between Lafayette and Lehigh, or remember which team is the Leopards and which the Crusaders.

But the shortcoming of *The Last Amateurs* is less structural than philosophical. *The Last Amateurs* depicts a paradisical world that is separate and distinct from the Gomorrah of major-college basketball. Wipe the Vaseline off that lens. The notion that the Patriots are the last holdouts against an evil world is incomplete on two counts. First, big-time college basketball is corrupt but not Satanic. Many college basketball players are as stupid and greedy as Feinstein says, and many programs do abuse players. But most big-time players do study. Most are trying to earn their degree.

And even if you accept the premise that big-time ball is utterly poisoned, Feinstein's notion that the amateur is endangered is simply wrong. Hundreds of student-athletes play basketball in Division II and Division III simply for the love of the game. Forget basketball: College fieldhouses are jammed with men and women playing lacrosse, field hockey, and rugby, students who fence or run cross-country or do gymnastics. For these thousands of athletes, college sports are exactly what they are for Feinstein's last amateurs: something to do three hours a day, not eight; a character-builder; a way into school, not a way to pay for it; a joy; an inspiration.

Last amateurs? After the passage of Title 9, we have more amateurs than ever. College sports aren't like they used to be. They're much better. Students are playing for "glory and honor" everywhere. The Patriot League isn't a rare paradise. Eden is all around us.

DAVID PLOTZ *is the Washington bureau chief for* Slate.

Nightmare in Kigali

By Nicholas Confessore

"SIX HUNDRED THOUSAND PEOPLE died in Rwanda in 1994," moderator Jim Lehrer reminded Al Gore and George W. Bush during the second presidential debate this past October. "There was no U.S. intervention, no intervention from the outside world. Was that a mistake?"

It was at that moment, I think, when the exchange between Gore and Bush went from insipid to obscene.

"I think in retrospect we were too late getting in there," the vice president replied, as if the Clinton administration had merely overslept. And, in any case, the U.S. should only intervene when "we tried everything else," explained the man whose administration had tried nothing. Only "if we can really make the difference with military forces," Gore said, even though the U.N. commander in Rwanda had informed the Security Council early on that he could quickly halt the genocide with a mere 2,500 well-equipped troops. The U.S. must "have allies," Gore

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said, "willing and able to go and carry a big part of the burden." This from the vice president whose Pentagon chiefs proposed—after Ghana volunteered soldiers for a Rwandan intervention force—to lease the U.N. four dozen near-obsolete armored personnel carriers for $4 million plus $6 million shipping and handling.

The massacre of thousands of Tutsis at the hands of Rwanda's Hutu majority in April 1994 is a topic that has already provoked countless articles, hundreds of reports and studies, and some 50 books; it is one of the most meticulously documented genocides in history. That Al Gore can nevertheless stand before a national television audience and mouth such platitudes may explain why Linda Melvern has written *A People Betrayed: The Role of the West in Rwanda's Genocide.* Melvern, a British investigative journalist with a talent for legwork, has devoted herself to the genocide's considerable international dimension. And the result—a wide-ranging account of the actions and inactions of shady arms dealers, inept bureaucrats, and cowardly politicians—still shocks six years after the fact.

A PEOPLE BETRAYED: The Role of the West in Rwanda's Genocide
by Linda Melvern
Zed Books, $19.95

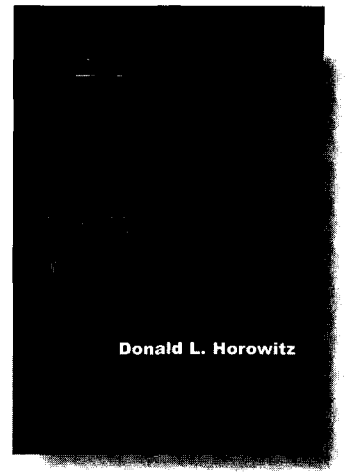
Certain French and Egyptian officials, for instance, might legitimately be considered accomplices to the killing. The French, absurdly obsessed with anglophone plots in central Africa, have always been close to the Hutu leadership; the son of then-president François Mitterand, who ran African policy out of his father's office, was friends with the Hutu Rwandan president and his wife—the latter a ringleader of the genocide, who afterwards took up residence in Paris. The French, Melvern shows, supplied weapons and ammunition to the genocide planners before, during, and even after the massacres. Worse, French troops intervened decisively on behalf of the killers at least twice: once in 1993 to halt an incursion by the Paul Kagame-led Rwandan Patriotic Front (which might have prevented the genocide entirely) and again in 1994, allowing the Hutu leaders to escape to France and their foot soldiers to Zaire.

Egypt was the other main supplier of weapons to Rwanda, and in the book's most explosive section, Melvern documents the involvement of Boutros Boutros-Ghali—then Egypt's minister of foreign affairs, and later U.N. secretary-general during the 1994 genocide. In 1990, it was Boutros-Ghali who approved a secret $26 million arms sale to Rwanda, weapons stockpiled by the Hutu as part of the fairly public, long-term preparations for the genocide. (French banks, for their part, helped launder the international aid money that was used to pay for that and other arms shipments, including the purchase of some 580,000 machetes from China.) And it was Boutros-Ghali who, as the genocide progressed, ignored the increasingly urgent faxes from his peacekeeping commander begging for more men, gasoline, and equipment.

But Boutros-Ghali was far from the only scoundrel. Melvern's account of the U.N. Security Council deliberations that spring confirms what was obvious from the general U.N. paralysis. The Western powers, including the U.S., spent most of April 1994 pretending the genocide was a civil war. Repeatedly, they instructed the peacekeepers to negotiate a ceasefire—"rather like wanting Hitler to reach a ceasefire with the Jews," as one diplomat tells the author. And the Clinton Administration, still smarting from the U.S.'s failed excursion to Somalia, argued at times for the peacekeepers to withdraw altogether.

Still, although Melvern is clearly a diligent reporter, *A People Betrayed* is a mediocre, oddly unilluminating book, lacking either the explanatory power of Gerard Prunier's *The Rwanda Crisis* or the brutal eloquence of Philip Gourevitch's *We Wish to Inform You That Tomorrow We Will Be Killed With Our Families.* Part of this has to do with the book's sloppy prose and lack of structure. Melvern's technique of juxtaposing events on the ground with deliberation among and between U.N. bodies, foreign governments, and international organizations is especially annoying; the cumulative

ETHNIC VIOLENCE



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effect is chaotic rather than edifying, like thousands of newspaper-style paragraphs flung together in roughly chronological order.

But the book ultimately fails because of a more fundamental weakness. There is nothing inherently wrong with a broad condemnation of the Western response to Rwanda, but Melvern has no real thesis—no standard for when, why, and how nations *should* intervene in future Rwandas. Melvern's implicit equation of the French and U.S. roles, for instance, isn't so much unfair as unhelpful. The French government was actively complicit in the violence; the Clinton Administration, after Somalia and already under pressure from isolationist Republicans in Congress, was simply unwilling to waste political capital on further African misadventures. Both responses were, of course, reprehensible. But France's geopolitical ambitions pose an entirely different obstacle to genocide prevention than the Clinton Administration's momentary political vulnerability.

Indeed, it is quite clear by the end of Melvern's book how the West failed in Rwanda. But we are left with almost no sense of *why* it failed, of the perverse interplay between various domestic squabbles, budget issues, bureaucratic rivalries, and international distractions that, in the end, conspired to deflect attention from Rwanda—all things that Al Gore seemed blithely unaware of during the debate. Though Melvern clearly believes that the occurrence of genocide provides all the rationale required for intervention, the substance of her own book proves otherwise.

NICHOLAS CONFESSORE *is a staff writer for* The American Prospect.

Government Gospel

By Roy Ulrich

"GOVERNMENT IS NOT THE solution to our problems. It's the problem." (Ronald Reagan, Inaugural Address, 1981.)

Fast forward 20 years: Over 100 people are dead in the wake of accidents caused by faulty Ford Explorer tires manufactured by Firestone/Bridgestone. And the federal agency responsible for overseeing traffic safety, the National Highway Traffic Safety Administration, has seen its budget decline by 36 percent when adjusted for inflation since 1980, the year before Ronald Reagan assumed the presidency. The NHTSA rule-making staff shrank from 103 to 62 during the same time span. Calls from consumer advocates to give the agency the power to order recalls have been met by stony silence in Congress where, until recently, members often sided with the auto industry in its battles with the NHTSA. And there is little doubt that such authority in this case would have saved lives. Just how many lives is open to question. Yes, there is a price to be paid for 20 years of government bashing.

GOVERNMENT WORKS: Why Americans Need the Feds
by Milton J. Esman
Cornell University Press, $26.00

Milton Esman, professor emeritus of international studies at Cornell, begins the first chapter of *Government Works* with the Reagan quote. His thesis is quite simple: The United States suffers not from too much government, but from too little. And, as if to predict the tire safety issue, he says in no uncertain terms, "The Reagan and Bush administrations attempted to hobble many of the federal regulatory agencies by limiting their funding, appointing administrators who were unfriendly to their mandate, and creating an atmosphere that was hostile to regulation." He might have added that in some cases the chosen path was deregulation, as in the savings and loan industry. The results of that act were disastrous.

Today—in stark contrast to public attitudes during the 1960s—the majority of Americans don't trust their government. Over 60 percent believe that when government runs a program, it is usually inefficient and wasteful. A similar number agree with the proposition that government regulation of business does more harm than good.

While the responsibility or credit (depending on your point of view) for this state of affairs clearly lies with the two previous Republican administrations, Esman also blames centrist Democrats who toe the Democratic Leadership Council line. He writes, "Democrats must stop downplaying the role of government, a tactic that stamps them as pale and unconvincing shadows of the Republican right. They must be willing to argue that an energetic federal government, as their common instrument, has the capacity to address effectively the problems of security, opportunity, and the quality of life that confront most Americans in their everyday lives, thereby mitigating the harsher consequences of dynamic capitalism."

One only wishes that Al Gore had read the preceding paragraph when he responded to George W. Bush's attacks before election day that he was nothing but a "Big Government Democrat." He could have reminded Mr. Bush that the government of the United States has substantially reduced the number of elderly in poverty, landed a man on the moon, helped conquer fascism, built interstate highways, made loans to homebuyers and students, insured bank deposits, and led the most successful anti-smoking campaign in the history of the planet. Even now, it works to make certain that unsafe drugs do not reach the market, and it regularly helps out those who are the victims of natural disasters. Instead, Mr. Gore's response was that he would make the federal government leaner, starting with a new round of downsizing.

The major flaw of the book is the author's assumption that progressives or liberals speak with one voice on all issues and that he is that voice. On Kosovo, for example, Esman positions himself with others on the left who viewed the NATO airstrikes over Serbia last year as justifiable on humanitarian grounds. Clearly, there were many others who viewed the war as morally wrong and barbaric. And on immigration policy, Esman seems to align himself with Pat Buchanan in calling for a crackdown on illegal immigration and multiculturalism. Most progressives I know call for

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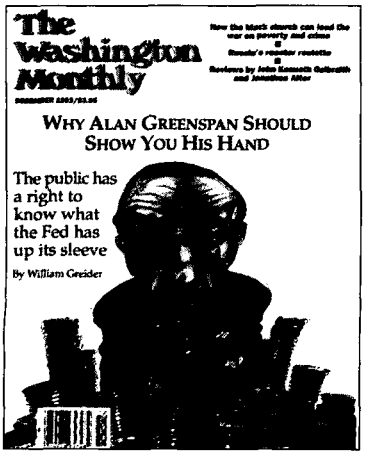

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expanded legal immigration, at the very least. Some even go so far as to call for an open border.

Despite these flaws, it is reassuring to read a book on government that ends with a note of optimism. Esman concludes the final chapter by writing that the 20-year war on government has run its course and is about to come to an end. All I can say is, "From his computer to God's ear."

ROY ULRICH *is the founder and president of the Institute for Government Renewal in Washington, D.C.*

Fathers and Sons

By Scott Thompson

ONLY IN THE PAST GENERATION have we in the secular West really begun to demystify and learn to live with death. In Buddhism, death is regarded as the greatest transition and one's entire life is a preparation for it; life is a learning experience in its direction, and all small parts of it are just metaphors for the larger reality that comes upon all of us.

LONG DISTANCE: A Year of Living Strenusously
by Bill McKibben
Simon & Schuster, $23.00

Bill McKibben, who has written well on global warming and nature in general, has written a short book ostensibly on his preparation for a skiing competition. The first half leaves one with a sense of self-indulgence and me-generation self-improvement—though I do wish when I was training as a runner I'd known a tenth as much about body fluids, lactic acids, water levels, and glutes as he shows in his almost endless preoccupation with his planned cross-country skiing marathon. One barely knows that he has a wife and daughter—somewhere.

We are over three-fifths of the way through when the point of the book emerges. McKibben's father develops malignant brain cancer; plainly, he is going to die. Somewhere Freud reminds us that the most important event in the life of a man is the death of his father, to which many of us could add our validating testimony. The remainder of this essay-turned-elegy is McKibben's father's "spiraling deterioration," pulling the author away from his own continuing quest for early-midlife conquest of himself. "The irony of strapping on my heart rate monitor ... while Dad's heart was laboring simply to keep going was not lost on me," writes McKibben, though it takes quite a while for him to realize that his father's "last gift" is "snap[ping] me out of my self-absorption."

Clearly his father, also a writer, is a hero, not just to his son, and we don't need convincing that the 68-year-old man will die with dignity "—not pride, but its opposite, the dignity of someone untroubled by pride." More importantly, we watch the father coming to terms with his own life and death. McKibben's father's dreams were of climbing up to a cliff, where the view is higher; and he had "far to fall" because a body is "so stuffed full of life that each layer stripped away reveals another, more primordial, beneath."

McKibben comes to see that dignity doesn't lie in the body; it comes from "somewhere else," though he isn't sure quite where. True, the body is "the physical form that made his [father's] goodness real. That gave it a shape—lanky, bald—that lasted into memory." We don't get an idea of where dignity of self is located, but at least we know he found where it isn't. As he said in a noble eulogy, "what a gift it was ... that you could be a man his way, full of love and kindness and good humor and hard work. But not full of yourself."

We usually learn too late what our fathers mean to us. Mozart couldn't write Don Giovanni until his always threatening parent was gone. In our smaller arenas most of us are the same, like this writer who couldn't even make himself believe that he could run a good race until his accomplished athlete-father had died—and then unwittingly, unaware for a decade of its import, set out running marathons while the memory of his father's death was still close by.

I finished this well-crafted book grateful to have learned so much about the realities of training for world-class competitions, fascinated that someone could let us into his self-focussed life so effortlessly and smoothly, and ultimately relieved that he had begun to envisage something beyond his own quest for physical perfection. He hasn't burdened us with an apparat of death research, paradigms, phases, and claptrap.

One has the feeling, however, that McKibben has only produced the first half of an opus in this meditation on his father's death. Indeed, one finishes the book feeling he just can't leave us hanging like this without some further exploration of "what it"s all about."

My own sense is that McKibben has come closer to a Buddhist commentary than he may be conscious of, and in fact he never uses that term. But his own extended metaphor, in showing the comparison that starts as a resolution of the dissonance between his father's decline and his own assault at perfection, is too powerful to cast aside as abruptly as he does. His maniacal training regime is, in a way, a preparation for death. But even if one ends the book wanting more, one has to credit McKibben for at least opening his inexhaustible subject.

SCOTT THOMPSON *is co-author of* The Baobob and the Mango Tree: African and Asian Contrasts.

Diary of a Couch Potato

By Joe Dempsey

JACK LECHNER ALWAYS ADMIRED *Seven Glorious Days, Seven Fun-Filled Nights*, Charles Sopkin's 1967 account of a week in front of six television sets. But in Sopkin's day there weren't hundreds of cable channels feeding a splintered audience, and Lechner, who worked in television and film for 14 years, decided that it was time to update

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the experiment, as well as Bill McKibben's similar experiment that he turned into his 1993 book, *The Age of Missing Information*. Lechner spent the week of September 26, 1999, watching a dozen TV sets. His new book, *Can't Take My Eyes Off Of You: 1 Man, 7 Days, 12 Televisions*, records that week.

CAN'T TAKE MY EYES OFF OF YOU: 1 Man, 7 Days, 12 Televisions
by Jack Lechner
Crown, $23.95

If you watch TV for an entire week, the odds are good that you'll find something worthwhile. Lechner's highlights include "Nightline," for its depth, and "Once and Again," a drama that realistically portrays the lives of 40-something divorcees. He even praises "Price is Right" host Bob Barker: "[In a game show] you're running from setup to setup, you're working with nonprofessionals, and you're finding ways to involve the audience in the challenges faced by said nonprofessionals ... If you flag, the show flags. Bob Barker *never* flags."

But the odds of finding garbage are even better. As Lechner, quoting sci-fi writer Theodore Sturgeon, acknowledges, "90 percent of *everything* is crap," and not just ads and infomercials. "They've pulled off the astonishing feat of identifying the lowest common denominator and going even lower," he writes after a professional wrestler force-feeds ALPO dog food to his opponent.

And there's plenty of mediocrity, even on the news. Watching news broadcasts that cover most subjects in under three minutes is like skimming headlines. He writes: "Of course I want to know what happened today, but I'd also like some suggestion of *why* it happened, and of any possible ramifications, and of what people think about it." Depth is hard to find: When Ed Meese tells an MSNBC interviewer that Reagan ended economic turmoil, Lechner comments, "Sure he did, if you don't count the deficit hole it's taken 11 years for the country to crawl out of."

Lechner's choice of presentation—a moment-by-moment description of what he watches—captures the laziness and fatigue of perpetual viewing in a way that goes beyond TV dinners and an aching body. By Wednesday, the quick resolutions of courtroom shows like "Judge Judy" ruin his concentration for real-life trials on "Court TV." Often his approach is a little too effective—at worst, the experience becomes almost as mind-numbing for the reader, though Lechner's sharp wit helps.

Some interesting ideas are lost in the wake of channel-surfing. When sitcom star Markie Post tells a talk-show host that she limits her children's television viewing, Lechner is skeptical: "I remember the social difficulties encountered by my friends in college who hadn't grown up watching television. You don't want your kids blindly following the herd, but you don't want them to be outcasts either." But Lechner gives up on "Dawson's Creek," a popular teen drama, halfway through since it has nothing to do with the lives of real teens. And by week's end, he says he'll stay away from TV until programs improve.

What role should TV play in one's life? Lechner may have a more comprehensive answer to this question, but since he's not writing an essay, we're left with passing reflections that seem contradictory.

He does use his epilogue to expand on some ideas, most notably the need for relevance and craftsmanship. Earlier he had criticized writers and producers of shows like "Spin City" and "Will & Grace" for not giving talented casts enough to do. Documentarians shy away from aesthetic risks; they're taking the easy way out. As he wraps up, Lechner suspects that industry workers have internalized the notion that TV is garbage. Their standards fall; their work suffers.

What would make him a regular viewer? "Nothing less than a new flowering of the American work ethic," he says, "and how likely is that?" Children's shows are better than most adult shows, a trend he attributes to advocates who have demanded quality. Since there's still ample audience for predictable plots and Jerry Springer, maybe the need for higher standards doesn't apply simply to those *producing* TV.

JOE DEMPSEY *is an intern for* The Washington Monthly.

Feminism for Dummies

By Patricia Simon

IMAGINE A DAY WITHOUT FEMINISM. That's what Jennifer Baumgardner and Amy Richards ask readers to do in the opening of

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their book *ManifestA*. They sketch out a chilling portrait of brides at the altar promising to obey their husbands, girls taking home economics, and women uninformed about the side effects of birth control pills.

Of course, I rarely ever think about feminism. Why should I? I'm perfectly free to indulge in my taste for makeup and fun clothes while pursuing a career. Does this mean I take the feminist movement for granted? Probably, and that's just what Baumgardner and Richards, one a former, and the other a current, editor at *Ms.* magazine, are concerned about.

MANIFESTA: Young Women, Feminism, and the Future
by Jennifer Baumgardner and Amy Richards
Farrar, Straus and Giroux, $15.00

To help ensure that Generation X doesn't forget what the women's movement has accomplished, they've written *ManifestA*, a book designed to help women today consciously embrace feminism. They want to allow a generation that has grown up with Nike jingles like "I am strong. I am invincible. I am woman," to understand what it took to get to this point. By constructing a historical foundation and weaving popular culture into it, *ManifestA* serves as a guide for young women rather than a rant about what's holding back females. In *ManifestA*, Baumgardner and Richards lay out why women today need to understand history to realize that they are feminists, whether they know it or not.

They write: "After 30 years of feminism, the world we inhabit barely resembles the world we were born into. And there's still a lot left to do."

The authors trace feminism's evolution starting with the suffragette movement and women getting the right to vote—the First Wave of feminism. The Second Wave came when abortion rights, equal pay, and sexism became the focus of feminist reform in the late 1960s. The authors end up with the current Third Wave involving managing the choices women now face thanks to their mothers' and grandmothers' hard work.

They've included a timeline of important moments for feminism, and a lexicon for those who are unfamiliar with words like "out," meaning that a homosexual openly dates members of the same sex—making the book seem a little like *Feminism for Dummies*. But Baumgardner and Richards also cover a broad swath of cultural ground, from the effects of Judy Blume novels on girls to why Katie Rophie's work is antagonistic to feminism. It's a useful digestion, framed by the larger point that vigilance is still necessary if women are to sustain and build on the gains of the past.

Unlike other Third Wave stalwarts like Naomi Wolf and Susan Faludi, Baumgardner and Richards have aimed their book at young women, even girls in high school, using a friendly, older sister approach to their tutorial rather than a serious intellectual investigation of policy and politics. But for a book designed as an accessible primer on feminism for the masses, it seems disproportionately focused on an elite bunch of women, which, of course, is the longtime criticism of mainstream feminism.

Baumgardner and Richards start with a chapter dedicated to a dinner party with some of their feminist buddies, including Elizabeth Wurtzel, author of *Bitch* and *Prozac Nation*, Amaryllis Leon, a former *Ms.* coworker, and Farai Chideya, a correspondent for "Good Morning America." The only time the writers talk about women who live outside of major cities, specifically New York, is when they discuss Sarah Reid, who lives in a commune in Amherst, Massachusetts where she was trying to put together a coming-of-age ritual for menstruating girls—not exactly a model the Everywoman can identify with.

I wondered how the 20-year-old woman in the middle of Kansas who spends weekends cruising Main Street perceives feminism. After all, she, not the big-city college sophomore, is probably the one who thinks "feminist" means "lesbian." The book's last chapter, "A Day With Feminism," is also a ridiculous description of a utopia where "The media are accountable to their constituency," "Women walking through a park at night can feel just as safe as they do during the day," and "Environmentally sound menstrual products are government subsidized." Whatever.

Still, *ManifestA* serves as a useful reminder of how far we've come and the challenges that remain.

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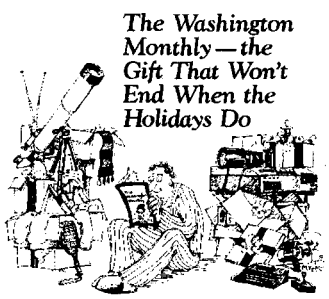

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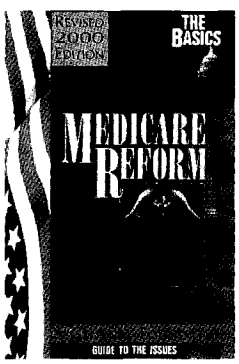

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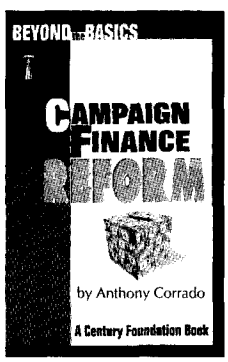

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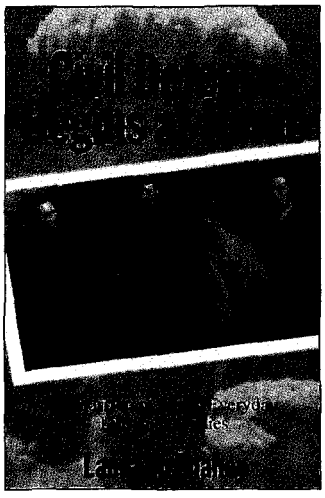

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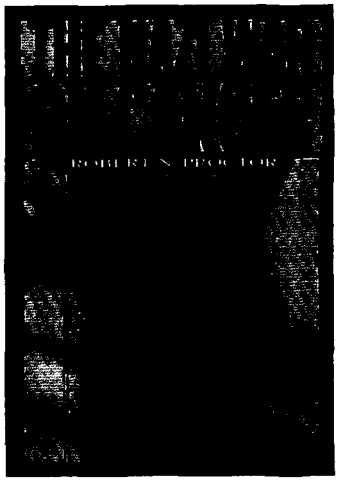

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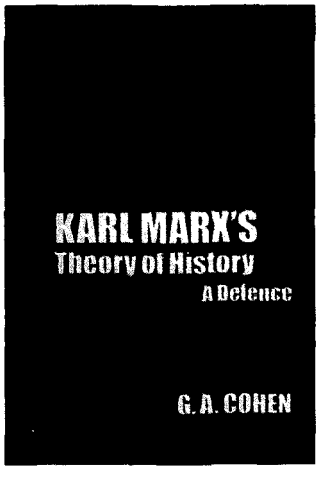

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